

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

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Review Petition in Appeal No.40/2025

IN THE MATTER OF

Shri Jitin Rai Khanna

Vs.

BSES Rajdhani Power Ltd.

Present:

Petitioner: None

Respondent: Shri Sudarshan Bhattacharjee, DGM, Shri Prakash Negi, IT Assistant and Shri Shreyek Gupta, Advocate, on behalf of BRPL.

Date of Hearing: 12.11.2025

Date of Order: 13.11.2025

ORDER

1. A petition dated 21.10.2025 has been filed by Shri Jitin Rai Khanna, S/o Shri Gulshan Rai Khanna, R/o N-107, 1st Floor, Flat No.4, Greater Kailash, Part-1, New Delhi – 110048, under Regulation 43 of DERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2024, seeking a review, clarification and modification of the order dated 10.10.2025 passed by the Ombudsman in the matter of Shri Jitin Rai Khanna vs. BSES Rajdhani Power Ltd. (Appeal No.40/2025).

2. In the said review petition, the applicant asserted that certain statutory consumer reliefs falling squarely within the jurisdiction of this Hon'ble Authority have not been adjudicated.

3. He has prayed to,

a. Review and modify the order dated 10.10.2025 By:



- (i) Directing BRPL to issue a No-Dues Certificate confirming final closure of the consumer account;
 - (ii) Directing refund of Rs.11,560/- (paid on 04.06.2025), Rs.4,860/- (paid on 30.08.2025), Rs.1,800 (security deposit) and Rs.13,200/- (load charges), along with interest;
 - (iii) Directing cessation of billing post 02.06.2025
 - (iv) Awarding compensation of Rs.50,000/- under Regulation 42 for harassment and mental agony.
- b. Direct the office of this Hon'ble Ombudsman to immediately supply a certified copy of interlocutory application for impleadment filed by the Advocate of Smt. Kanchan Khanna along with all annexures.
 - c. Grant an interim stay on the remand direction in the Order dated 10.10.2025 pending final disposal of this Review Petition.
 - d. Declare that consumer rights under the Electricity Act, 2003 and DERC Regulations are distinct from Civil title disputes and must be adjudicated
 - e. Pass any further order in the interest of justice and equity.

4. It may be mentioned in this connection that the case was remanded back to the CGRF with the direction to give an opportunity to Mrs Kanchan Khanna for impleading her as a party. It is an admitted fact that Smt. Kanchan Khanna, being senior citizen, had transferred the property No.E-208, 1st Floor, Greater Kailash Part – 2, New Delhi – 110048 to the applicant via registered Gift Deed dated 27.03.2025. Based on that Gift Deed, the applicant had applied for name change of electricity connection CA No.150864597 from Smt. Kanchan Khanna into his name on 15.04.2025, and got transferred it in his name on 30.04.2025 with a fresh CA No.154717134. Admittedly, during pendency of the matter before the CGRF, the gift deed has already been challenged by Smt. Kanchan Khanna, for one reason or another, through the petition dated 09.06.2025 filed before the Sub-District Magistrate, Mehrauli, New Delhi. Besides that, an objection has already been raised by her before the Respondent vide communication dated 11.06.2025 in this regard. Moreover, the fact of ongoing dispute relating to validity of the Gift Deed has already



been disclosed before the ICGRC by the Respondent. Even then, she had not been provided any opportunity by the CGRF to present her version.

5. Under Section 114 Code of Civil Procedure (CPC) read with order u/s 47 CPC provisions exist for a review of the judgement, which states as under:

"(1) Any person considering himself aggrieved – (a) by a decree or Order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or Order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or Order made, or on account of some mistake or error apparent on the face of the record for any other sufficient reason, desires to obtain a review of the decree passed or Order made against him, may apply for a review of judgement to the Court which passed the decree or made the Order."

Accordingly, the review is maintainable only on two grounds:

- i) Discovery of new and important matter which after due diligence was not within the knowledge or could not be produced at the time of hearing or
- ii) On account of some mistake or error apparent on the face of record or for other sufficient reasons.
- iii) Law is settled that Review Petition cannot be used as a guise for appeal.

Regulation 67 of DERC (Guidelines for Establishment of the Forum and the Ombudsman for Redressal of Grievances of Electricity Consumers) Regulations, 2024, provides for a power with Ombudsman to review any order in conformity with the Principles laid down in Section 114/Order 47 Rule I of CPC.

6. The review petition was taken up for hearing on 12.11.2025. During the hearing, the applicant was not present. However, an e-mail dated 11.11.2025 has



been received from the applicant, attaching his final written submission. The Final Written Submission has been taken on record and a copy of the same has already been forwarded to the Respondent for their information/record. In the said e-mail, the applicant expressed his inability to attend the hearing due to unavoidable reasons. The applicant has asked Ombudsman to proceed on the basis of documents (written statement) submitted and decide the case on merits. Respondent was present. An opportunity was given to the Respondent to plead its respective case at length. Relevant questions were also asked by the Ombudsman as well as the Advisor (Engineering) and Secretary, to elicit more information on the issue.

7. During hearing, Advocate, appearing for the Respondent, contended that under Section 114 Code of Civil Procedure (CPC), a review is maintainable only on two grounds, (i) any error apparent on the face of record, (ii) discovery of any new and important material which after due diligence could not be produced. Hence, in the instant matter, review is not maintainable. In response to a query as to whether while disconnecting the electricity connection, the occupants were present in the house, Officer present submitted that during first visit on 06.06.2025, request of disconnection made by the applicant could not be executed due to resistance at site by the occupant. However, in compliance with CGRF's direction, the electricity connection was disconnected with meter removal on 01.09.2025 by the Respondent. He further submitted that there was no confrontation by the occupants. However, occupant approached the Respondent later on the same day for restoration of supply which was not restored by the Respondent in compliance with CGRF's order. Subsequently, an objection in this regard has been received from Smt. Kanchan Khanna.

8. During hearing, it was observed that while disconnecting the connection/removal of meter on 01.09.2025, the premises was occupied by the inhabitants.

9. It was emphasized by the Ombudsman that any review petition is limited only on two grounds, i) any error apparent on the face of record, ii) discovery of any new material, which after due diligence could not be produced by the applicant before passing the order dated 10.10.2025. In accordance with the provisions of Regulation 67 supra as a person aggrieved by the order earlier passed, an opportunity has been provided to the applicant to make his submissions in accordance with the law. He has, however, availed the opportunity by filing final written statement dated 11.11.2025



10. The power of review lies under Section 114 read with order 47 of CPC. While examining the scope of review the Supreme Court has settled the law as under:

- a. In *Col. Avatar Singh Sekhon v. Union of India and Others* [10 1980 Supp SCC 562],

".....A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. .. The present stage is not a virgin ground but review of an earlier order which has the formal feature of finality."

- b. In *Parsion Devi and Others v. Sumitri Devi and Others* [12 (1997) 8 SCC 715],

"9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of this jurisdiction under Order 47 rule 1 CPC it is not permissible for an erroneous decision to be 'reheard and corrected'. A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise.'"

- c. In *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma* [15 (1979) 4 SCC 389].....

"3.....The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."



11. The review petition does not bring on record any error apparent on the face of record or the discovery of the new material which could not be produced by the Appellant before passing the order dated 10.10.2025, despite due diligence, as may warrant a review of the decision taken by the Ombudsman. The final written submission, received through e-mail dated 11.11.2025, has already been taken into consideration. It was observed that the fact of allegation concerning Gift Deed by Smt. Kanchan Khanna was already available with the ICGRC as well as the CGRF on the relevant day. Nevertheless, CGRF did not take cognizance of this fact and passed an order dated 28.08.2025 without giving an opportunity to Smt. Kanchan Khanna which violates DERC (Guidelines for establishment of the Forum and the Ombudsman for Redressal of Grievances of Electricity Consumers) Regulations, 2024. Regarding his other averments in the appeal, these would also be taken up by CGRF while hearing the case and it is incumbent on the part of CGRF to pass a speaking order while adjudicating the above issues. The case has been remanded back as these issues were not adjudicated while keeping in view natural justice, fair play & equity.

12. Therefore, in the absence of any new material submitted by the applicant or any error apparent on the face of record, the review petition is dismissed as devoid of merits.

13. The case has already been remanded back to the CGRF to hear it on merits, vide order dated 10.10.2025. However, the applicant would be entitled to file an appeal before the Ombudsman in case he is still not satisfied with the verdict of the CGRF.


(P. K. Bhardwaj)
Electricity Ombudsman
13.11.2025