

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES  
RELIANCE INFRASTRUCTURE LIMITED**

1<sup>st</sup> Floor, Devidas Lane, Off. S.V.Road, Near Devidas Lane Telephone Exchange, Borivali  
(West), Mumbai – 400103.

E-mail : [consumer.forum@cgrfrinfra.org.in](mailto:consumer.forum@cgrfrinfra.org.in) Website : [cgrfrinfra.org.in](http://cgrfrinfra.org.in) Tel.No.:022-30094247

Grievance Application No. 20/2018 Date : 13/04/2018

Mrs. Kalavati Rajmangal Sahani, Room No.108, Gandhi Nagar, Near Sai Baba Nagar, Eksar Dongri, Borivali W, Mumbai 400 092. Ph. 8450936736 / 842206910

Account No. 150907655, Residential, North Division

Kalavati Rajmangal Sahani ..... Applicant / Complainant

Reliance Infrastructure Ltd. .... Respondent (Distribution Licensee/Utility)

Order of Hearing dated. 5<sup>th</sup> June,2018

**PRESENT**

1. Mr. Rajiv Nakhare, Vice President (RInfra) - Member
2. Mr. Milind Gandbhir – Member , CPO

**On behalf of M/s. Reliance Infrastructure Limited**

1. Mr. Mritunjay Jha, Dy.General Manager (Corporate Legal) Nodal Officer
2. Ms.Aparna Jadhav, GM, North Division
3. Mr.Ajit Kadam, Manager, North Division

**On behalf of Applicant / Complainant**

- 1.Mrs.Kalavati R Sahani ( Applicant)
- 2.Mr. Rajesh S Mishra (Representative)

Heard the Applicant and her representative . Also heard the representatives of RInfra ( the licensee ) Mrs. Aparna Jadhav, Mr.Ajit Kadam and Mr. Mritunjay Jha (Nodal Officer of RInfra.).

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*Sahani*  
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We have carefully gone through the Application filed by the Complainant / Applicant along with the reply filed by the Respondent No.1 through their Nodal Officer – Mr.Mritunjay Jha. Heard the Applicant and Nodal Officer. We also perused the documents placed before us.

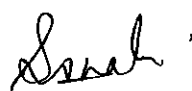
From the documents on record, it is revealed that the Applicant had approached the Hon'ble City Civil Court, Dindoshi, Mumbai ( Court No.5) on 07.07.2010 by filing Suit No.1556 of 2010 with the complaint against Respondents for direction to Defendant No.1 ( Reliance Infra) to remove electric Meter No. 5457863 ( LF1) installed in the name of one Mr.Rambaran Dulare Shahani (Defendant No.2).

The Hon'ble City Civil Court has disposed off the complaint ( Prayer b) by passing an interim order on 21.03.2011 in Notice of Motion No.2054 of 2010, directing ( Defendant No.1) Reliance Infra to restore electricity supply to the Plaintiff flat on payment of arrears of bill and disallowed ( Prayer a) to remove Respondent No.2 from the premises.

This final judgement was passed on 29.04.2015. Being aggrieved by this decision, the Plaintiff approached Hon'ble High Court in the year 2017 by Writ Petition No.39 of 2017 by adjudicating the same matter and between same litigants. The Hon'ble High Court disposed of this suit by stating it as "Private Dispute" and directed the Plaintiff to approach appropriate court for remedy. The said court also stated that there is no perversity or error of law apparent on face of the record in approach of Reliance Infra.

This suit was finalized on 27.02.2018. Now instead of acting in compliance with the order passed by the Hob'ble High Court, the Complainant filed Application before CGRF for the same issue which were already been decided by Hon'ble City Civil Court and Hon'ble High Court.

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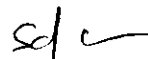
Hence the following Order is passed:-

**ORDER**

1) This Application is hit by "Doctrice of Res Judicata" means thing already decided by the Competent Court. Section 11 of Civil Procedure Code, 1908 embodies the doctrine of Res Judicata in India. It states that no court shall try any suit or issue in which the issue directly and substantially, in a former suit, between the same parties or their representatives, in a Competent Court, has been heard and finally decided by such Court. This Principle rests on two Principles i.e. 1) one should not be vexed twice for the same cause and 2) There should be finality to litigation. Where there has been an executable judgement between the parties, the rule of Res Judicata will prevent a fresh suit between them for the same relief. Hence the application stands dismissed.

2) No Order as to Cost.

**Dated : 05/06/2018.**  
MIDC, Mumbai



Rajiv Nakhare  
Member – CGRF



Milind Gandbhir  
Member (CPO) – CGRF

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