

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) Nos. 19197/2004 & 19172/2004

M/S ARTI CONSTRUCTION CO. P. L

..... Petitioner in W.P.(C) No. 19197/2004

M/S SANGEETA CONSTRUCTION CO.

.....Petitioner in WP (C) No.19172/2004

Through : Mr. Mukul Dhawan, Advocate

versus

N.D.P.L.

..... Respondent

Through : Mr. Sumeet Pushkarna, Advocate for DPCL

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 14.02.2008

1. The petitioner and the erstwhile Delhi Vidyut Board were involved in several rounds of litigations in respect of electricity bills from 1987 onwards. In 1990 the petitioners herein had filed Civil Revision Nos. 719/1990 and 720/1990 in this court challenging interim orders passed in civil suits. By an interim order dt.30.7.1990 certain directions in favour of the petitioner were issued subject to the condition that in case the revision petitions were dismissed the petitioners would be liable to pay temporary electricity charges for consumption. It transpires that revision petitions were dismissed on 13th March, 1996 by the High Court and the impugned orders passed by the Civil Courts were upheld. While dismissing the Revision Petition no specific direction was given by the Court with regard to the payment of electricity charges in terms of the Interim Order.
2. The petitioners herein also filed a writ petition being civil writ no.1353/1993 challenging bill dt.5/7/93. This writ petition was disposed of on 24th January, 1995 with the direction that entire matter would be examined by Mr. Y.N. Reddy, Director (EDP) Delhi Vidyut Board.
3. Mr. Y. N. Reddy thereafter examined the entire matter and passed an order dt.27/8/96. It can be presumed that when Mr. Y N Reddy had passed the said order he was aware of the interim orders passed in Civil Revision Nos. 719/1990 and 720/1990 and the fact that said civil

revisions had been dismissed. In fact, Mr. Y N Reddy, Director (EDP) has referred to the fact that the impugned demand/bill of Rs.27,31,214.40 raised for the period 20.6.1987 to January, 1993 was subject matter of dispute before him. It is not disputed that this order passed on 27/8/1996 by Mr. Y. N. Reddy, Director (EDP) has been accepted both by the petitioner as well as by DVB.

4. The dispute pertains to bills for the period from 1987 till 1996. DVB was not able to recover the disputed amount from the petitioner. The petitioner has already got an electricity connection pursuant to orders passed by the Lok Adalat. The Reconciliatory authority consisting of two retired Judges of this Court had also passed Order dated 18th April, 1998 in favour of the petitioner. The said Order was passed prior to unbundling of DVB. Today DVB is represented by Delhi Power Company Ltd and as per the Agreement between GNCTD and the distribution companies, arrears for the period prior to unbundling, on recovery have to be distributed between the discom and Delhi Power Company Ltd. in the ratio of 20% and 80% respectively.
5. Keeping in view the above facts I feel it will be appropriate in case the DPCL prepares a fresh bill in consultation with the NDPL to comply with the last paragraph of the order dt.27th August, 1996 passed by Mr. Y. N. Reddy, Director (EDP) which reads as under :

“The bill from 01.08.90 till date be prepared as per the orders of the Hon'ble High Court dated 13.3.1996 according to the tariff in force and commercial orders on the subject.”

6. In case the petitioner is entitled to benefit of late payment surcharge under any policy the same shall also be considered by the respondent DPCL and NDPL. Reduction or exemption from late payment surcharge may be justified in the present case in view of the period of default which relates to the period prior to 1996 and the fact that the Government has been coming out with LPS waiver schemes. The petitioner will be given credit of the amount which may have been paid by him for this period. The aforesaid exercise will be completed by the respondents within a period of one month from today and a proposed bill will be sent to the petitioner who will be entitled to give his comments within a period of 2 weeks. Thereafter a speaking order will be passed by DPCL and final bill will be raised. It will be also open to the parties to settle the matter amicably through negotiations.
7. The writ petition is accordingly disposed of with the right to the petitioner to approach this Court once again in case he is not satisfied with the speaking order/final bill. In case the petitioner does not make payment, the respondent will be free to proceed in accordance with law.

SANJIV KHANNA, J.

FEBRUARY 14, 2008

vld/P