

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

+W.P.(C) 1341/2008

RAKESH KUMAR BALIYAN Petitioner

Through : Mr. Satish Kumar, Advocate

versus

BSES RAJDHANI POWER LTD & ORS Respondents

Through : Mr. I S Alag, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 21.02.2008

1. The contention of the petitioner is that meter no.27049788 was replaced on 15/9/2005 with a new meter no.27060361. He relies upon meter change report no.22028 dated 15/9/2007. It is the case of the petitioner that the respondents have now raised a bill on meter no.27049788 which is not installed in the premises of the petitioner but at other location in the premises of Mr. Manoj Shaukin at plot near Talab, Yadav Park, Kamruddin Nagar, Delhi. Learned counsel for the petitioner states that the order passed by Consumer Grievance Redressal Forum is on the basis of assumptions and surmises. The petitioner has no

connection with Mr. Manoj Shaukin. He further states that an appeal has been filed before the Ombudsman and the appeal is not being heard because he has to deposit 1/3rd of the bill amount.

2. This is an unusual case where the petitioner has been asked to pay DAE/bill for a meter which is not installed in his premises but at some other location. I refrain myself from making elaborate observations, least it causes prejudice to any of the parties.
3. In view of the exceptional circumstances the writ petition is disposed of with the direction that the appeal will be heard by the Ombudsman without requirement to deposit 1/3rd of the disputed bill. It is also clarified that observations made in this order will not be binding upon the Ombudsman, who will decide the matter on merits. Electricity supply of the petitioner is disconnected. Petitioner is given liberty to move an interim application before the Ombudsman.

The writ petition is accordingly disposed of.

Dasti.

SANJIV KHANNA,J

FEBRUARY 21, 2008

vld