

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

+ W.P.(C) 2488/2006

M/S NAWAB UDYOG

..... Petitioner

Through : Mr. V K Goel, Advocate

versus

N.D.P.L.

..... Respondent

Through : Mr. K. Datta and Mr. Atul Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 20.02.2008

1. The basic and principal grievance in the writ petition is against the DAE bill of Rs.2,92,577/-. It is an admitted case of the parties that said bill stands withdrawn. This fact is recorded in the order dt.22/2/2006.
2. Another grievance raised by the petitioner is that he has been wrongly charged misuse charges and was asked to pay an excess amount of Rs.44,000/- in 1996-97. It is not clear from the petition for what period misuse charges were paid by the petitioner. The prayer clause is for quashing of FAE bill of Rs.2,92,5757/- which already stands withdrawn and for refund/adjustment of excess payment.

3. So far as alleged excess payment of Rs.44,000/- is concerned, the same was paid by the petitioner on 19th January, 1996. The present writ petition has been filed on 21st February, 2006. After 10 years this court cannot examine and go into the question and decide whether the petitioner had made excess payment of Rs.44,000/- on 19th January, 1996. To this extent the petition is bad for delay and laches.
4. In the writ petition it is not specifically stated for which period misuse charges were claimed and paid to the respondent/discom. In one of the paragraphs it is mentioned that misuse charges were charged up to July, 2003 but there was no misuse by the petitioner. It is open to the petitioner to file a representation with the respondent/discom for refund of the misuse charges, if any. The said representation will be disposed of by speaking order.
5. The writ petition is accordingly disposed of.

SANJIV KHANNA,J

FEBRUARY 20, 2008

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