

12

39.

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 8882/2008.

REETA VERMA

..... Petitioner

Through: Mr. R.K. Sharma, Advocate.

versus

B.S.E.S. RAJDHANI POWER LTD.

..... Respondent

Through: Mr. Kamal Sawhney, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

20.10.2010

%

CM No.13872-13873/2010 (of the petitioner for restoration of the petition dismissed for non prosecution on 21st September, 2010 and for stay).

The counsel for the respondent appearing on advance notice has been heard. For the reasons stated in the application, the writ petition is restored to its original position. The counsel for the respondent however states that after the dismissal in default of the petition, the electricity supply has been disconnected. CM No.13873/2010 has as such become infructuous.

The applications are disposed of.

1/-

Signature Not Verified

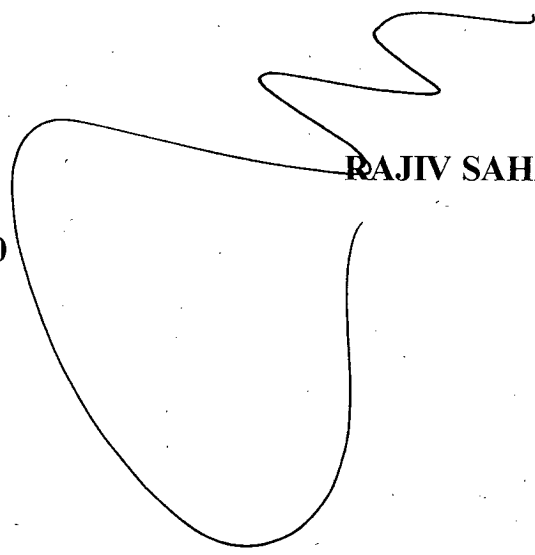
Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

W.P.(C) No.8882/2008.

1. The counsel for the respondent on 21st September, 2010 had pointed out that the present petition is not maintainable in view of the judgment of the Division Bench of this Court in *Ram Kishan Vs. NDPL* 130 (2006) DLT 549. It has as such been enquired from the counsel for the petitioner as to how the petition is maintainable. The counsel for the petitioner seeks liberty to approach the Ombudsman and other fora in terms of the said judgment; he however seeks restoration of the electricity connection till then.
2. The counsel for the respondent has drawn attention to para 15 of the judgment aforesaid where it has been held that the Ombudsman and the Forum under Sections 42(6) & 42(5) of the Electricity Act, 2003 respectively have powers of passing interlocutory orders pending the decision of the representation before them and thus the remedy of the petitioner for any direction for restoration is also before the said fora only and not before this Court.
3. In view of the aforesaid position, the writ petition is disposed of with liberty to the petitioner to approach the Forum under Section 42(5) or the Ombudsman under Section 42(6) of the Electricity Act, 2003 as may be deemed appropriate by the petitioner and on the same grounds as taken in

this petition. Liberty is also granted to the petitioner to seek the interlocutory order including of restoration of the electricity supply before the said fora.

The petition is disposed of. No order as to costs.



RAJIV SAHAI ENDLAW, J

OCTOBER 20, 2010
pp..

3/-