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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 942/2015 & CM APPL. 29913/2015**

RAJINDER SINGH Petitioner
 Through Mr. Ajay Kumar Thakur, Advocate
 versus

ANAND & ANR Respondents
 Through Mr. Manish Srivastava, Advocates

% Date of Decision : 15th December, 2015

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present content petition has been filled alleging wilful disobedience of order dated 29th May, 2015 passed in W.P.(C) No. 5745/2015 by which the petitioner was directed to deposit 1/3rd amount of Rs. 8.2 lacs with the respondent-TPDDL and the respondent-TPDDL was directed to reconnect the electricity connection at property no. A-14, G.T. Karnal Road, Industrial Area within three days.
2. Learned counsel for petitioner states that though 1/3rd of Rs. 8.2 lacs was deposited and the petitioner is continuously depositing current electricity charges, yet his connection was disconnected on 18th September, 2015.

3. On the other hand, learned counsel for respondents points out that Consumer Grievance Redressal Forum [for short “CGRF”] vide order dated 30th May, 2014 has held that Rs. 8,21,187/- was payable on account of outstanding dues. He contends that the CGRF held that the issue of misuse charges pertaining to Rs. 20,23,032/- could not be adjudicated by it for want of jurisdiction. He, however, points out petitioner was given liberty to approach the Additional District Magistrate by way of an appeal under Section 127 of the Electricity Act, 2003.
4. Learned counsel for respondents also points out that by way of an appeal before Ombudsman, present petitioner had challenged the CGRF’s order dated 30th May, 2014 only to the extent it directed the petitioner to pay Rs. 8,21,187/- as outstanding dues.
5. Learned counsel for respondents states that this Court by the order dated 29th May, 2015 only upheld the interim direction given by the Ombudsman vide order dated 27th March, 2015.
6. Learned counsel for respondents lastly states that disconnection of electricity was on account of non-payment of misuse charges of Rs. 20,23,032/- which has neither been challenged in the appeal before the Ombudsman nor was the subject matter of W.P.(C) No. 5745/2015.
7. Having heard learned counsel for parties, this Court is in agreement with the submission of learned counsel for respondents that finding of CGRF in its order dated 30th May, 2014 regarding misuse charges has neither been challenged before Ombudsman nor before any other forum till date. Consequently, on account of non-payment of misuse charges, which is entirely an independent ground not dealt with in the order dated 29th May, 2014, it cannot be said that respondents have acted in wilful

disobedience of any judgment or order passed by this Court.

8. In the present case, keeping in view the various orders passed, in particular CGRF's order dated 30th May, 2014, this Court is of the view that no case of contempt is made out.

9. In any event, the Constitution Bench of the Supreme Court in ***State of Bihar Vs. Sonabati Kumari, AIR 1961 SC 221*** has held that *provisions of Contempt of Courts Act, 1971 deal with the wilful defiance of the order passed by the Court and order of punishment be not passed if the court is satisfied that the party was, in fact, under a misapprehension as to the scope of the order or there was an unintentional wrong for the reason that the order was ambiguous and reasonably capable of more than one interpretation or the party never intended to disobey the order but conducted himself in accordance with the interpretation of the order.*

10. Consequently, present contempt petition and application are dismissed. However, petitioner is given liberty to challenge the misuse charges in accordance with law. Rights and contentions of all parties are left open.

MANMOHAN, J

DECEMBER 15, 2015

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