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

+ W.P.(C) 475/2016 & CM No.1934/2016

KAMAL SAHDEV Petitioner

Through: In person.

versus

B.S.E.S RAJDHANI POWER LIMITED & ANR Respondents

Through: Mr. Sunil Fernandes, Standing Counsel
for BSES RPL with Mr. Deepak Pathak,
Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **24.02.2016**

1. The petitioner has challenged the assessment order dated 5th October, 2015 passed by the assessing officer under Section 126 of the Electricity Act, 2003 against which the petitioner filed an appeal before the ADM on 11th December, 2015 but the same has not been taken up for hearing.
2. The petitioner present in person submits that the electricity connection has been disconnected by the respondent on 12th January, 2016. The petitioner seeks restoration of the said electricity connection. He submits that the respondent has raised demand of Rs.72,02,716/- against which the petitioner is willing to pay Rs.20 lakhs without prejudice to his rights and contentions. The petitioner submits that the penalty of Rs.12,28,000/- added in the bill of Rs.23,96,000/- be waived off since the petitioner is taking a fresh commercial electricity connection from the respondents and the petitioner shall pay the regular consumption charges is Rs.11,68,000/- after waiver of the penalty. Learned counsel for the respondents has no objection to the waiver of the penalty amount of Rs.12,28,000/-.
3. The petitioner has handed over three demand drafts totalling Rs.10,48,838/- against the current dues less penalty of Rs.11,68,000/-. The balance amount shall be carried forward by the respondents in the next bill and

payable in the next bill. The petitioner has also handed over the post-dated cheque for Rs.20 lakhs dated 25th March, 2016 against the respondent's demand for Rs.70,02,716/-.

4. The petitioner undertakes that the aforesaid cheques shall be honoured on their first presentation and he has sufficient funds to honour the same. The undertaking of the petitioner is accepted.

5. Learned counsel for the respondents submits that the respondents shall sanction fresh commercial electricity connection to the petitioner upon filing the requisite application and fulfilling all the commercial formalities. It is submitted that a fresh commercial electricity connection shall be sanctioned to the petitioner within two working days of fulfilling of all the commercial formalities. The respondents agree to give adjustment of the security amount in the earlier electricity connection to the petitioner upon NOC by the earlier consumer.

6. In view of the statements made by the parties, the respondents shall sanction a fresh commercial electricity connection to the petitioner within two working days of his fulfilling all commercial formalities, without prejudice to the rights and contentions of both the parties.

7. The writ petition and pending application are disposed of in the above terms. All disputes between the parties and their irrespective contentions shall be considered by the appellate authority before which the petitioner has filed his appeal.

8. Copy of this order be given *dasti* to both the parties under the signature of the Court Master.

J.R. MIDHA, J.

FEBRUARY 24, 2016

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