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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 766/2016**
RAGHUBIR SARAN CHARITABLE TRUST Petitioner
Through: Mr. Amit Seth, Adv.

Versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through: Ms. Malvika Trivedi & Mr. Jitendra
Kr. Tripathi, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **29.01.2016**

CM No.3297/2016 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 766/2016 & CM No.3296/2016 (for stay)

3. The petition impugns the bills dated 30th November, 2015 and 31st December, 2015 in the total sum of Rs.6,97,195/- of electricity connection bearing No.K-117788 installed at E-11, Mezzanine Floor, Inner Circle, Connaught Place, New Delhi as well as the notice dated 8th January, 2016 of disconnection of electricity.
4. It is the contention of the petitioner that the respondent NDMC is seeking to recover the dues of electricity connection installed at premises Nos.E-12 and E-38, Inner Circle, Connaught Place, New Delhi from the electricity connection at property No.E-11 aforesaid and is threatening to disconnect the electricity.

5. The counsel for the respondent New Delhi Municipal Council (NDMC) appearing on advance notice states that the electricity connections installed at premises nos.E-12 and E-38 to which dues pertain were also in the same name as the electricity connection in property no.E-11 and the respondent NDMC is thus entitled to recover the dues.

6. The counsel for the petitioner rejoins by contending that the property nos.E-12 and E-38 though earlier owned by the petitioner were sold in the year 1986 and 1995 respectively and the dues are of the period post sale.

7. The instruction of the counsel for the respondent NDMC are otherwise. She also contends that the petitioner has not paid the current dues also.

8. On enquiry, it is informed that the remedy of approaching the Consumer Grievance Redressal Forum (CGRF) is available with respect to electricity connections of respondent NDMC area also.

9. It appears that the controversy aforesaid will entail a factual enquiry, best left to be adjudicated by CGRF. Even otherwise, a specialist body having been created for resolving such disputes, there is no reason for this Court to entertain this petition. However in facts it is deemed appropriate that before relegating the petitioner to CGRF, interim arrangement be worked out.

10. In the circumstances, the petition is disposed of with the following directions:

(A) The petitioner to within 15 days of today approach the CGRF with the grievance as raised in this petition.

(B) Subject to:

- (i) the petitioner immediately paying and continuing to pay the current dues of electricity, and
- (ii) the petitioner undertaking to this Court to in the event of CGRF holding any amount to be due from the petitioner, pay the same within 30 days thereof subject of course to the rights of the petitioner to further remedies, if any, the disconnection of electricity supply to electricity connection bearing No.K-117788 for the reason of non payment of the dues aforesaid of Rs.6,97,195/- is stayed till the adjudication by the CGRF. However if the petitioner does not approach CGRF as aforesaid, this order shall stand vacated.

(C) The CGRF is requested to dispose of the said proceedings as expeditiously as possible.

11. The counsel for the petitioner under instructions from and on behalf of Mr. O.P. Bhandula, Secretary of the petitioner and on behalf of Mr. H.K. Agarwal, Trustee of the petitioner undertakes to this Court as aforesaid.

12. The aforesaid two persons through counsel have been explained the consequences of breach of undertaking given to this Court.

13. The undertaking aforesaid are accepted.

No costs.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

JANUARY 29, 2016/‘gsr’

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