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

+ W.P.(C) 2016/2016

AVINISH KOCHHAR AND ANR Petitioners

Through: Mr. S.C. Singhal, Adv.

versus

BSES RAJDHANI POWER LIMITED & ANR Respondents

Through: Mr. Deepak Pathak, Adv. for BSES
RPL.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **09.03.2016**

CM 8709/2016

Allowed subject to just exceptions.

W.P.(C) 2016/2016 & CM 8710/2016

1. Issue notice. Learned counsel for respondents accepts notice and submits that the respondents have passed an *ex parte* order dated 13th January, 2016 against the petitioners whereby the respondents have determined the liability of Rs.44,084/- payable by the petitioners in respect of property bearing Shop No.G-3, Section IV, Plot 12, Dwarka Extension, Delhi-110058.
2. Learned counsel for the petitioner submits that the *ex parte* order dated 13th January, 2016 has been passed without affording an opportunity to the petitioner to submit the response to the show cause notice and a hearing.
3. Learned counsel for the respondents submits on instructions that the respondents are ready to afford an opportunity of hearing to the petitioners and the matter be remanded back to the competent authority.

4. In view of the facts and circumstances of this case, the *ex parte* order dated 13th January, 2016 is hereby set aside. The petitioner shall file the reply to the show cause notice dated 30th December, 2015 within a period of three weeks whereupon the competent authority shall afford an opportunity of hearing to the petitioner and shall thereafter pass a fresh order.
5. The writ petition and pending application are disposed of in the above terms. Till the fresh order is passed by the competent authority, the respondents shall not disconnect the electricity subject to the payment of the regular consumption charges by the petitioner.
6. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

MARCH 09, 2016

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