

\$~46

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

+ **W.P.(C) 6575/2016 & C.M.No.26960/2016**

JATIN MITTAL

..... Petitioner

Through Petitioner in person.

versus

BSES RAJDHANI POWER LTD & ANR

..... Respondents

Through Mr.Sunil Fernandes with Mr.Deepak
Pathak and Ms.Mansi Brar Fernandes,
Advocates for BSES RPL.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

29.07.2016

Present writ petition has been filed with the following prayers:-

- a) *Issue the writ of mandamus or any other appropriate writ thereby setting aside and quash the Final Assessment Order under section 126 of Electricity Act, 2003 dated 05.07.2016 and Final Assessment Bill for tariff violation for Rs.85,853/- of dated 25.07.2016, Case ID. RS020616CB297, Bill No.AGENR090620160011R1 and consecutive electricity bills in respect of electricity connection vide CA No: 400889782 raised by the respondents in respect of property bearing No. 535/6, G/F, Govind Puri, New Delhi-110019, which is converted into non-domestic from domestic category by respondents and to issue further writ of mandamus thereby directing the respondents to restore the electricity connection of the petitioner to domestic category from non-domestic category.*
- b) *Issue the writ of mandamus or any other appropriate writ thereby restraining the respondents from disconnecting the electricity connection of the premises of the petitioner.*

- c) Issue the writ of mandamus or any other appropriate writ thereby directing the respondents to conduct the personal hearing in the matter of the petitioner and pass a fresh order after considering the documents available on record.*
- d) Pass any other order(s), relief(s) which this Hon'ble Court may deem fit and proper may kindly be passed in favour of the petitioner in the interest of justice.*

Learned counsel for the respondent/BSES, who appears on advance notice, fairly states that as it is the petitioner's case that he has had no opportunity of hearing prior to passing of the impugned speaking order as well as the assessment bill, he has no difficulty if the impugned order is set aside and the petitioner is directed to appear before the Assessing Officer next week.

Petitioner who appears in person accepts the suggestion given by learned counsel for the respondent/BSES.

Consequently, with consent of the parties, the impugned final assessment order dated 5th July, 2016 and the final assessment bill dated 8th July, 2016 are set aside and the petitioner is directed to appear before the Assessing Officer on 11th August, 2016 at 4 PM, who is directed to pass a fresh order in accordance with law.

With the aforesaid directions, the present writ petition and the application stand disposed of. This Court, however, clarifies that it has not expressed any opinion on the merits of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

JULY 29, 2016
KA