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

+ W.P.(C) 8057/2016 & CM Appl. 33396/2016

JATIN MITTAL

..... Petitioner

Through: In person

versus

BSES RAJDHANI POWER LTD.

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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14.09.2016

The present writ petition has been filed challenging the speaking order dated 16th August, 2016 whereby the respondent has confirmed unauthorised non-domestic use of electricity at petitioner's premises bearing No.535/6, Ground floor, Govind Puri, New Delhi.

The petitioner, who appears in person, states that inspection has been carried out contrary to the Regulations. He further submits that the provision of appeal is not an efficacious remedy inasmuch as he has to deposit 50 per cent of the disputed amount.

Learned counsel for the respondent, who appears on advance notice, submits that the petitioner has been using the premises for an office as well as for paying guests' accommodation of girls. He refers to the screen-shots which have been mentioned in the impugned order.

Keeping in view the fact that disputed questions of fact are involved as well as the fact that the petitioner has an alternative efficacious remedy by filing an appeal under Section 127 of the Electricity Act, 2003, the present writ petition and application are disposed of with liberty to the petitioner to file the said appeal.

This Court clarifies that it has not expressed any opinion on the merits of the controversy. Rights and contentions of all parties are left open.

MANMOHAN, J

SEPTEMBER 14, 2016
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