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

+ **W.P.(C) 8327/2016 & CM No.34530/2016**

M/S ABASKAR CONSTRUCTION PVT. LTD. Petitioner
Through: Mr. Subhash C.Jindal, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. Respondents
Through: Ms. Malvika Trivedi and
Mr.Jitendra Kumar Tripathi, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 22.09.2016

1. The present petition has been filed by the petitioner praying inter alia for quashing the electricity bill raised by the respondents/NDMC for the billing cycle of August 2016, to the tune of Rs.10,20,951/-, which includes an amount of Rs.8,27,341/-, under the head, 'Sundry Adjustment'.
2. This is the second round of litigation that the petitioner has initiated in respect of the electricity bills raised by the respondent/NDMC in respect of Kailash Building, 26, K.G.Marg, New Delhi. The first petition was filed by the petitioner in the month of July 2016, registered as WP(C) No.6269/2016 wherein, a prayer was made for quashing the electricity bill for the billing cycle of June 2016, raised pursuant to a letter dated 16.6.2016, issued by the NDMC. Vide order dated 22.7.2016, the petitioner had sought leave to withdraw the said petition with liberty to approach the NDMC for seeking permission to utilise the electricity for purposes of a booster at the subject premises, in accordance with law. It is submitted that thereafter, the

petitioner had approached the respondent/NDMC and the issue was satisfactorily resolved inasmuch as a fresh electricity connection was applied for by the petitioner and the same was duly granted on 9.9.2016.

3. It is the contention of the learned counsel for the petitioner that the respondent/NDMC has once again raised a demand of Rs.8,27,341/- on the petitioner towards sundry expenses in terms of the impugned bill which is not payable since a new electricity connection has been installed for operating the booster in the building.

4. Ms.Trivedi, learned counsel for the respondents disputes the aforesaid submission and states that the impugned bill dated 31.8.2016 is payable as it raises an amount payable under the head, "Sundry Adjustment", in terms of sub-sections (5) & (6) of Section 126 of the Electricity Act, 2003.

5. Mr.Jindal, learned counsel for the petitioner states that the petitioner has not been afforded any opportunity to place its stand before the NDMC before the impugned bill came to be raised.

6. To redress the aforesaid grievance, it is deemed appropriate to direct an authorized officer of the petitioner to appear before the Director(Commercial), NDMC along with a representation against the impugned bill dated 31.8.2016, on a date and time that shall be conveyed by the counsel for the respondents to the petitioner within one week from today. After granting a hearing to the petitioner, the respondents/NDMC shall take a decision and communicate the same in writing within two weeks. If the grievance of the petitioner still survives, it shall be entitled to seek its remedies, in accordance with law.

7. In the meantime, the petitioner is directed to pay the undisputed amount raised in the impugned bill, except for the sundry adjustment. After

a decision is taken on the petitioner's representation and if any amount is found due and payable, then the same shall be deposited by the petitioner within one week from the date of receiving the said order.

8. The petition is disposed of, along with the pending application.

DASTI to the parties.

SEPTEMBER 22, 2016
mk/rkb/ap

HIMA KOHLI, J

