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

+ **CM(M) 667/2015**

**DELHI VIDYUT BOARD (NOW KNOWN AS TATA  
POWER DELHI DISTRIBUTION LTD) ..... Petitioner**

Through **Mr.K.Datta, Mr.Manish Srivastava &  
Mr.Aditya Gupta, Advocates**

versus

**KAILASHWATI JAIN ..... Respondent**

Through **Mr.Praveen Kapoor, Advocate**

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

**%**

**03.08.2016**

1. By the present petition, the petitioner seeks to impugn the order dated 17.07.2015 passed by the trial court imposing cost of Rs.5,000/- on the petitioner to be deducted from the salary of the authorised representative of the petitioner for delaying the proceedings and thrusting adjournment upon the court.
2. The respondent had filed the present suit for permanent injunction to restrain the petitioner/defendant No.1 from disconnecting the electricity supply installed in the name of the plaintiff/respondent. The suit was dismissed by the trial court vide its judgment dated 27.01.2012. Against the said judgment, the plaintiff/respondent has gone in appeal.
3. The appellate court while trying settlement of the matter had passed the impugned order dated 17.07.2015 holding that the petitioner is not coming up with a proper stand in the case regarding issue of settlement.

4. The learned counsel for the petitioner submits that the dues which are subject matter of the appeal pertain to the period of Delhi Vidyut Board i.e. prior to 2002. He also submits that the status of the petitioner is merely to recover the dues. Out of the recovered amount substantial portion is to be paid to the Delhi Power Company Ltd. which is a Govt. company. He also submits that the Guidelines regarding the settlement are also of the Govt. of Delhi and that the petitioners have no say in the matter. He submits that the Guidelines which are applicable for settlement of dues of the Delhi Vidyut Board period are contained in Office Order dated 10.03.1999 a copy of which has been placed on record. He further submits that the impugned order has wrongly been passed, as the concerned officer could not answer the query as the issue is not in the hands of the petitioner but concerns the concerned Company, i.e. Delhi Power Company Ltd.

5. In my opinion the petitioner is bound by the instructions of Delhi Power Company Ltd. The procedure for settlement has been placed on record. The officers of the petitioner could not be blamed.

6. The impugned order is accordingly quashed. However, the cost of Rs.5,000/- as imposed shall be paid to the respondent by the petitioner within a period of four weeks from today.

7. The present petition is disposed of.

**JAYANT NATH, J.**

**AUGUST 03, 2016/v**