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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2758/2017

TEJ PAL

Through

..... Petitioner

Mr. Kulish Tanwar, Advocate

versus

BSES RAJDHANI POWER LTD. Respondent

Through

Mr. Sunil Fernandes, Standing
Counsel with Mr. Puneet K.G. and
Ms. Mithu Jain, Advocates**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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27.03.2017

Present writ petition has been filed seeking a direction to respondent-BSES to restore the electricity supply of Clifton Springs Hospital at Plot No. 3, Khasra No. 430/2, Village Roshanpura, Nazafgarh, New Delhi.

It is stated in the petition that on 2nd December, 2015, electricity meter installed in the aforesaid premises was burnt and petitioner requested the respondent for replacement of burnt electricity meter installed in the premises.

Though, according to learned counsel for the petitioner, the burnt meter was replaced, yet respondent-BSES has falsely accused the petitioner of intentionally burning the electricity meter.

On the other hand, learned counsel for respondent who appears on advance notice, states that on 19th April, 2016, an inspection of the premises was carried out by the respondent-BSES. He further states that on 7th June, 2016, a speaking order was passed whereby petitioner was held to have indulged in theft of electricity. In the speaking order it is stated that “*meter was found abnormally burnt and consumption of the meter has remained low, hence it is evident that the meter was intentionally burnt to destroy the evidence of meter tampering.*”

Learned counsel for respondent also states that respondent has already filed a complaint against the petitioner being CC No. 425563/2016 under Sections 135 and 138 of the Electricity Act before the Special Court, Dwarka, New Delhi.

In rejoinder, learned counsel for the petitioner states that the petitioner has also approached the Permanent Lok Adalat for settlement of disputes and certain orders have been passed by the said Forum.

Keeping in view the fact that the petitioner has already approached the Permanent Lok Adalat and respondent has already initiated proceedings under the Electricity Act before the designated forum, this Court is of the view that present writ petition which requires investigation into serious disputed questions of fact, cannot be entertained.

In any event, the reliefs sought in the present writ petition are maintainable before a Special Court. In fact, a Division Bench of this Court in ***B.L. Kantroo vs. BSES Rajdhani Power Ltd., 154 (2008) DLT 56 (DB)*** has held that the Special Court has exclusive jurisdiction to decide disputes pertaining to dishonest abstraction of energy.

Accordingly, present writ petition is dismissed. However, it is clarified that disposal of the present writ petition would not prejudice the rights and contentions of either of the parties in the proceedings before the Permanent Lok Adalat or before the Special Court.

MANMOHAN, J

MARCH 27, 2017

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