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

+ **RSA 191/2016 and C.M. Appl. No. 26181/2016**

TATA POWER DELHI DISTRIBUTION LTD Appellant
Through: Mr. Manish Srivastava and Mr. Aditya
Gupta, Advocates.
versus

DEVENDER KUMAR Respondent
Through: Mr. Deepak Kohli and Mr. Rishi
Vohra, Advocates.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
20.04.2017

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1. This matter was argued at length. Counsel for the appellant places reliance upon the judgment of the Division Bench of this Court in the case titled as ***B.L. Kantroo Vs. BSES Rajdhani Power Limited, 2009 (108) DRJ 239 (DB)*** to argue that the civil court has no jurisdiction in order to determine the issues of assessment bills and payment with respect to theft of electricity.

2. The limited exception for filing of a suit in civil court would be in case the respondent/plaintiff would have pleaded that the assessment bill with respect to theft of electricity has been raised without the procedure provided under law being followed, but that is not the case as per pleadings.

3. At this stage, it is agreed and accordingly it is ordered that the subject suit which is filed in the civil court by the respondent/plaintiff,

and which is the subject matter of the present appeal, will stand transferred to the Special Electricity Court functioning under the jurisdiction of the District and Sessions Judge (North-West District), Rohini Courts, New Delhi.

4. Parties to appear before the District and Sessions Judge (North-West District), Rohini Courts, New Delhi on 24th May, 2017 and the District and Sessions Judge will mark the suit to the designated special court pertaining to electricity matters under the Electricity Act, 2003.

VALMIKI J. MEHTA, J

APRIL 20, 2017

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