

\$~A-1

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

+ CM(M) 1279/2016

M/S BULAKI DEEP FREEZE Petitioner

Through Mr.Ujwal Kr.Jha and
Mr.B.P.Aggarwal, Advocates

versus

TATA POWER DELHI DISTRIBUTION LTD..... Respondent

Through Mr.Manish Srivastava and Ms.Prachi
Johri, Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **09.01.2017**

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to challenge the order dated 22.9.2016 which held that the suit is barred in view of section 145 of the Electricity Act, 2003 (hereinafter referred to as 'the Act').

2. Section 145 of the Act provides that no Civil Court shall have jurisdiction to entertain any suit in respect of any matter where an assessing officer referred to in section 126 or an appellate authority referred to in section 127 is empowered to act. Section 126 of the Act relates to issues about a consumer indulging in unauthorized use of electricity. In the present case there is no such assessment or issue pending under section 126. Challenge is to the legality a bill. Hence, the bar of section 145 of the Act has no application.

3. Learned counsel appearing for the respondent very fairly concedes that this would be the correct legal position. Accordingly, impugned order dated 22.9.2016 is quashed. Parties to appear before the trial court on 6.2.2017. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

JANUARY 09, 2017

n