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

+ CM(M) 1155/2017

BSES RAJDHANI POWER LTD

..... Petitioner

Through: Mr. Rajevee Mehra, Sr. Adv. with
Mr. Anupam Varma, Mr. Nikhil
Sharma, Mr. Vinam Gupta and Mr.
Devashish Marwah, Advs.

Versus

DWARKA COURT BAR ASSOCIATION & ORS Respondents

Through: Mr. Uday Chauhan and Ms. Sunita
Bansal, Advs. for R-3 to 5 & 7.
Mr. Sanjay Kumar, Adv. for R-6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.10.2017

CMs No.37399/2017 & 37400/2017 (both for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 1155/2017 & CM No.37401/2017 (for condonation of 28 days delay in re-filing)

3. This petition under Article 227 of the Constitution of India *inter alia* seeks rejection of the plaint in the suit filed by the respondent No.1 Dwarka Courts Bar Association against the petitioner and the respondents No.2 to 7 namely South Delhi Municipal Corporation, Public Work Department, Deputy Commissioner of Police, Traffic Inspector (Dwarka), Delhi Metro

Rail Corporation Ltd. and The State (Govt. of NCT of Delhi), insofar as against the petitioner/defendant and in the alternative a direction for expeditious disposal of the application filed by the petitioner/defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC) pending since 14th March, 2016.

4. The relief claimed against the petitioner/defendant in the suit is *inter alia* for charging domestic tariff for electricity connections with respect to the lawyers' chambers in the Dwarka Courts Complex.

5. The petitioner is seeking rejection on the ground of the jurisdiction of the Civil Court being barred.

6. Having come across a news item in the last two or three days, of the Chief Minister of Delhi having announced charging of tariff for Lawyer's Chambers at domestic rates, I have enquired so from the senior counsel for the petitioner.

7. The senior counsel for the petitioner/defendant clarifies that the announcement is of subsidising the tariff and not of changing the tariff and that too, prospectively.

8. None appears for the respondent No.1/plaintiff.

9. For granting the request of expeditious disposal of the application under Order VII Rule 11 of CPC, need to issue notice of the petition is not felt.

10. On enquiry, the senior counsel for the petitioner/defendant states that the suit is listed next on 25th October, 2017, also for hearing arguments on the application under Order VII Rule 11 of CPC.

11. The petition is disposed of with a request to the Senior Civil Judge (South-West), Dwarka Courts, Delhi to dispose of the application, in CS No.26534/2016 titled Dwarka Court Bar Association Vs. MCD & Ors., of the petitioner/defendant under Order VII Rule 11 of CPC positively on or before 30th November, 2017.

12. The office bearers of the respondent No.1 Dwarka Courts Bar Association are requested to ensure decorum in the Court during the hearing and to ensure that there is no disturbance during the hearing.

13. The parties, if so desire, are at liberty to give their written arguments on the application to the learned Senior Civil Judge.

Copy of this order be given *dasti* under the signatures of the Court Master.

RAJIV SAHAI ENDLAW, J.

OCTOBER 17, 2017

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