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

+ W.P.(C) 991/2018

AMOD KUMAR Petitioner

Through: Mr. Rahul Khatri, Adv.

versus

TATA POWER DELHI DISTRIBUTION LIMITED
(TPDDL)

..... Respondent

Through: Mr. Manish Srivastava and Mr. Harsh
Prakash, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.02.2018

CM. No. 4171/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 991/2018

Present petition has been filed by the petitioner with the following prayers:

“The petitioner, therefore, prays that in the facts and circumstances of the present case this Hon’ble Court may be pleased to issue writ of mandamus / certiorari or any other appropriate writ or Direction in the like nature to the Respondent:

1. *To direct the Respondent to restore the electric / supply connection to the premises of petitioner.*

2. *To restrain the Respondent from again disconnecting the electric supply / connection of the*

petitioner during the pendency of these writ proceedings and proceedings in DERC.

3. To quash the Speaking Order and assessment dated 22-11-2017 issued against the Petitioner by the Respondent.

4. To direct the Respondent to Pay ₹49,861 (Forty Nine Thousand Eight Hundred and Sixty One Rupees), i.e., the amount of the arbitrary penalty imposed on the petitioner, to restore the petitioner's dignity and to compensate for undue hardship and agony to the petitioner.

5. Pass any other order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition."

Mr. Rahul Khatri, Adv. for the petitioner has only made one submission that the impugned order has been passed without issuing a show cause notice and giving a hearing to the petitioner.

Mr. Manish Srivastava, Adv. who appears for the respondent on advance notice fairly submits that in the facts of this case, a show cause notice as well as a personal hearing should have been granted to the petitioner.

In view of the submission made by Mr. Srivastava, I deem it appropriate to set aside the speaking order dated November 22, 2017 and remand the matter to the authority concerned with a direction to issue a show cause notice to the petitioner within one week and give a hearing on a date and time to be intimated and pass a speaking order within two weeks thereafter. Pending passing of speaking order, respondent shall restore the electricity connection of the petitioner at premises no. Kh. No. 122, Ground

Floor, Street / Gali No. 15, Village Wazirabad, New Delhi-24, CA No. 60002854440.

The petition is disposed of.

CM. No. 4172/2018 (for directions)

In view of the order passed in the writ petition, the application has become infructuous and disposed of as such.

Dasti.

V. KAMESWAR RAO, J

FEBRUARY 15, 2018/jg