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

+ **W.P.(C) 7744/2018**

SH. KHOSMENDIR SINGH GAHUNIA Petitioner

Through: In person.

versus

**BSES RAJDHANI POWER LIMITED AND
ANR.**

..... Respondents

Through: Mr. Sunil Fernandes, Standing
Counsel with Mr. Arnav Vidyarthi,
Adv. for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **27.07.2018**

CM. No. 29663/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7744/2018

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

“In view of the above facts and circumstances it is respectfully prayed that this Hon’ble Court may please to:

- 1. Set aside the illegal Provisional Assessment Order dated 01.05.2018 and Speaking Order dated 25/6/2018.*
- 2. Pass appropriate direction / order initiating proceedings against the respondent no.2 under the provisions of The Prevention of Corruption Act, 1988, for not taking any action against the first and second floor tenanted premises for theft of electricity / unauthorized use.*
- 3. Impose exemplary cost / penalty against the respondent for non-compliance / in violation of*

The DERC (Supply Code and Performance Standard) Regulations 2017.

4. *Pass any order further order as this Hon'ble Court may deem fit and proper against the respondents in favour of the petitioner."*

Learned counsel appearing for the respondents has taken an objection that the speaking order having been passed on June 25, 2018, the remedy for the petitioner is to approach the Appellate Authority, i.e the concerned Additional District Magistrate. The petitioner who appears in person has drawn my attention to notices dated May 9, 2018 issued by the respondents, which according to him are the disconnection notices received by the petitioner only three days back. He states, without there being a speaking order at least on May 9, 2018, the disconnection notices could not have been issued.

Be that as it may, in view of the submission made by the counsel for the respondents, petitioner shall file an Appeal before the concerned ADM within four weeks from today. On such filing, the concerned ADM shall consider the appeal in accordance with law. Till such time, the matter is listed and heard by the concerned ADM, at the first instance, including the application for stay, respondent shall not disconnect the electricity in the property in question, i.e., P-18, Ground Floor, NDSE-II, New Delhi – 110049. Petition stands disposed of.

CM. No. 29662/2018

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 27, 2018/jg