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

+ **W.P.(C) 9184/2018 and CM No. 35370/2018**

ANURADHA SINGHAL

..... Petitioner

Through: Mr Sandeep Jindal, Advocate.

Versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr Saumya Tandon, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.08.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“To restore the electricity connection at the premises of the petitioner vide Electricity Consumer Account No. 60004924753 with immediate effect under the erstwhile tariff category of small industrial power;

To set-aside/ quash the impugned electricity bill No. 10103439661 dated 13/08/2018 and to refrain the respondents from raising the alleged demand of energy arrears, late payment surcharge, bill of revision amounts for UUE, and dues transfer amounts of third party, as mentioned in the said bill;

To set-aside/ quash all the proceedings conducted by the respondents pertaining to the change of tariff category, demand for revision of bill for UUE and for demand of dues transfer amounts of third party from the petitioner;”

2. The petitioner claims that her husband Sh Hans Raj Singhal (since deceased) had obtained an electricity connection at the built up property bearing no. 151, Village Nangali Poona, Alipur, Delhi (hereafter 'the premises'). The electricity meter was energised on 27.12.2002 (electricity connection Consumer Account No. 60004924753). The petitioner's husband expired on 22.07.2014 and since then the petitioner has become the consumer of the electricity connection in question. However, her name has not been updated in the records of the respondents. She states that the electricity bills raised from time to time have been duly paid.

3. The petitioner further claims that the premises in question were leased to a sole proprietorship concern (Tara Sales Corporation) – which is engaged in the manufacture and sale of school furniture and toys – and the premises have been in the possession of the said tenant since November, 2017.

4. Officials of respondent no.2 had conducted an inspection of the premises and according to them the electricity connection had been misused. It is further stated on behalf of respondent no.2 that the electricity connection was also misused to provide electricity to another consumer (Soni Dal Mill) (CA No. 060006584456). The electricity connection to the said consumer had been disconnected on account of non-payment of bills.

5. In view of the above, respondent no.2 raised a bill dated 13.08.2018 for a sum of ₹1,66,880/- which includes the misuse charges of ₹31,520/- and the outstanding charges of ₹1,23,824.57/- in respect of the electricity connection provided to Soni Dal Mill. The petitioner is essentially aggrieved by the levy of the misuse charges and the transfer of the amount of

₹1,23,824.57/-, which is allegedly outstanding against CA No. 060006584456 to her account.

6. It is apparent from the above that the disputes involved in the present petition, essentially, relate to unauthorized use of the electricity. It would not be apposite to examine such disputes in these proceedings as the same involves disputed questions of fact. And, more importantly, because the petitioner has efficacious remedy to file proceedings under Section 127 of the Electricity Act, 2003.

7. At this stage, the learned counsel appearing for the petitioner states that the total amount payable against the electricity connection is ₹1,66,888.59/-. He states that he has already paid a sum of ₹10,793/- yesterday. He states that the petitioner would deposit 50% of the demanded amount (less ₹10,793/- already paid) within a period of three months. The said amount shall be paid in three monthly instalments commencing from 05.09.2018. He further states that in addition, the petitioner would also continue to pay the current demand charges as raised. He requests that the electricity connection may be restored and the petitioner would avail of the statutory appellate remedies under Section 127 of the Electricity Act, 2003.

8. The above submission appears reasonable and is not seriously disputed by the respondents. In view of the above, the present petition alongwith the pending application is disposed of by directing that the respondents shall forthwith re-connect the electricity. The petitioner is bound down to the statement made by the counsel and shall pay 50% of the demanded amount in the manner as indicated above.

9. It is clarified that the said deposits are without prejudice to the rights and contentions of the petitioner to assail the impugned demand in accordance with law. The petitioner is at liberty to avail of appellate remedies under Section 127 of the Electricity Act, 2003

10. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

AUGUST 31, 2018

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