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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12608/2018, CM APPL.No.48979/2018

M/S R. J. TRADE WINGS (P) LTD.

..... Petitioner

Through : Mr.Subhash C.Jindal, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS.

..... Respondent

Through : Ms.Malvika Trivedi, ASC with
Mr.Arjun Malik, ASC for R-1
Mr.Prashant Bhardwaj, proxy for
Ms.Pratima K.Gupta, standing
counsel for R-3

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **20.12.2018**

Issue notice.

Counsel for the respondent accepts notice and submits that Regulations 21 would not be applicable as MD1 was not functional during the relevant period. Further she says the case is fully covered under Section 126 of the Electricity Act since the petitioner has been using more load than sanctioned and hence is liable to pay misuse charges. On the other hand learned counsel for the petitioner says Section 126 would not be applicable and the only authority to deal with the matter is the Electricity Consumer Grievance Redressal Forum but the said forum has rather directed the petitioner to approach the appellate authority under Section 126 of Electricity Act and since he has not been able to go there in time hence liberty be

granted to approach the said authority within four weeks. The appellate authority to sympathetically consider the delay in filing the appeal since the appellant has been pursuing another remedy under a bonafide belief and has even deposited ₹ 4 lacs as per directions of the forum.

In these circumstances, the petition along with pending application stands dismissed as withdrawn with liberty to the petitioner to approach the appellate authority viz. the Additional District Magistrate, stationed at Jamnagar House, Shahjahan Road, New Delhi within four weeks from today. Since the petitioner undertakes to pay the current charges, the electricity be not disconnected till the time the petitioner approaches the authority within the time stipulated as above.

Order *dasti*.

YOGESH KHANNA, J.

DECEMBER 20, 2018

VLD