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

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Judgment delivered on: 08.11.2019

+ W.P.(C) 11832/2019 & CM APPL. 48490-91/2019

M/S KOLMET ENTERPRISES AND ANR. Petitioners

versus

NEW DELHI MUNICIPAL COUNCIL Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. S.K. Maniktala with Mr. Udit Maniktala and Mr. Vinod Kumar, Advocates

For the Respondents: Ms. Malvika Trivedi, ASC with Mr. Anurag Misra, Ms. Shivani Garg, Advocates for NDMC.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner, by this petition, impugns the bill raised by the respondent-NDMC showing arrears of ₹ 27,61,630.53 ps. towards electricity connection bearing No. K-64233 P/Com and Consumer No. 1007748 installed at premises No. F-8, Connaught Place, New Delhi.

2. It is contended by learned counsel for the petitioner that the subject bill incorrectly shows arrears as also misuse charges as no arrears have been reflected in the previous bills. Learned counsel submits that the misuse charges have been incorrectly claimed from

the petitioner.

3. Learned Counsel further submits that petitioner had filed an appeal impugning bill for the billing cycle July, 2017, which for the first time claims misuse charges and said appeal is pending. Subsequently, a Bill for the billing cycle August, 2019 has been raised where the impugned arrears of ₹ 27,61,630.53 ps. besides misuse charges has been shown.

4. Learned counsel submits that the appeal filed by the petitioner impugning the said bill has been returned in view of the fact that the petitioner has not pre-deposited 50% of the disputed amount in terms of Section 127 (2) of the Electricity Act, 2003.

5. Learned counsel for the respondent-NDMC submits that the misuse charges as also the arrears have been reflected in terms of Section 126 of the said Act. She submits that in terms of Section 127 of the Act, no appeal is entertainable unless deposit of 50% of the assessed amount.

6. Learned counsel for the petitioner, without prejudice submits that petitioner shall deposit the 50% of the assessed amount in terms of Section 127(2) of the Act. however he prays that four weeks time be granted to deposit the amount. He further seeks leave to withdraw the petition with liberty to pursue his appeal before the appellate authority.

7. Subject to petitioner's depositing 50% of the assessed amount with the respondent-NDMC within four weeks, no coercive action shall be taken against the petitioner and the appeal of the petitioner would be entertained in accordance with law.

8. In view of the above, the petition is dismissed as withdrawn.

9. It is clarified that this Court has neither considered nor commented on the merits of the case of either party. All rights and contentions of parties are reserved.

10. Order *Dasti* under signatures of Court Master.

NOVEMBER 08, 2019
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SANJEEV SACHDEVA, J