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

+ W.P.(C) No. 1431/2019

SHRI SURINDER PRASAD PANDEY Petitioner

Through: Mr. Fanish K. Jain & Mr. Deepanshu
Garg, Advs.

versus

BSES YAMUNA POWER LIMITED Respondent

Through: Mr. Manish Srivastava, Adv.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **12.02.2019**

CM APPL. No. 6562/2019 (for exemption)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) No. 1431/2019 & CM APPL. No. 6561/2019 (for interim relief)

The petitioner, who is a tenant in premises bearing No. 1/536 F-8, Gali No. 4, Friends Colony Industrial Area, G.T. Road, Shahdara, Delhi, impugns demand in the sum of Rs. 74,79,804.43 raised by respondent/BSES Yamuna Power Limited against the electricity connection installed at the subject premises vide Bill dated 04.02.2019 read with Speaking Order dated 28.01.2019.

The said demand has come to be raised upon the petitioner on the basis of Dishonest Abstraction of Energy (DAE) from the electricity connection. The electricity meter installed at the subject property was examined by a Specialist Laboratory which has rendered Report dated 15.10.2018 alongwith a 'Tamper Summary Report' in respect of the electricity meter which shows that the meter *was tampered* with. The records show that when inspection of the subject property was attempted,

the petitioner did not permit the Assessing Officer/authorised representative of the respondent to enter the premises; subsequent whereupon a notice dated 10.10.2018 was issued by the respondent under Section 163 of the Electricity Act, 2003. Thereafter, Advisory Notice dated 12.12.2018 was also issued by the respondent under Section 135 of the Electricity Act, 2003, which was in the nature of a show-cause notice against DAE; and by such notice, the petitioner was called upon to represent against, attend a personal hearing and file written objections to the said notice. The record also shows that the petitioner responded to Advisory Notice dated 12.12.2018 vide his replies dated 27.12.2018 and 31.12.2018 giving a detailed response thereto.

Speaking order dated 28.01.2019 records that the petitioner attended the personal hearing on 27.12.2018, when he requested for a copy of the lab test report and related data; that the petitioner again visited the respondent on 28.12.2018 when all documents were provided to him; whereupon the petitioner submitted his reply on 31.12.2018.

Issue notice.

Learned counsel appears for the respondent/BSES Yamuna Power Ltd. on advance copy ; and accepts notice.

Learned counsel for the respondent points-out that the seals found on the petitioner's electricity meter were also sent to the manufacturer for further analysis and in report dated 21.10.2018 the manufacturer has opined that they were *duplicate* seals.

Learned counsel for the respondent states that apart from the said manufacturer's report there are other documents which he wishes to place on record to show that there was indeed DAE from the meter in question.

Counter-affidavit be filed within four weeks; rejoinder thereto, if any,

be filed within three weeks of receiving counter affidavit.

At this stage, I am not inclined to grant any interim relief to the petitioner.

Re-list on 26th April, 2019

The matter is mentioned at 1.25 p.m. on behalf of the petitioner. Counsel for the petitioner states that he has advised the petitioner to have the matter placed before the Permanent Lok Adalat to explore the possibility of settlement. He wishes to withdraw the petition and have it placed before the Permanent Lok Adalat.

Counsel for respondent has no objection to the same.

As requested, let this matter be placed before the Permanent Lok Adalat upon the petitioner filing an application for the purpose.

Accordingly, this writ petition is dismissed as withdrawn, with liberty to the petitioner to approach the Permanent Lok Adalat by making an appropriate application for the purpose.

The Permanent Lok Adalat is directed to consider the case without being influenced by anything stated in this order.

FEBRUARY 12, 2019/uj

ANUP JAIRAM BHAMBHANI, J.