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

+ **W.P.(C) 1361/2020 and CM Nos. 4747-48/2020**

DINESH KUMAR Petitioner

Through Mr.Sushant Kumar, Adv.

versus

BSES RAJDHANI POWER LTD. AND ANR. Respondents

Through Ms.Anju Thomas, Adv. for Mr.Sunil

Fernandes, Standing Counsel for BSES-RPL.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.02.2020**

1. This petition is filed by the petitioner seeking to impugn the speaking order dated 17.10.2019 whereby a direction was passed under the Delhi Electricity Supply Code and Performance Standards Regulations 2017 and Sections 135 and 138 of the Electricity Act, 2003, holding that theft of electricity has taken place. Based on this speaking order, an assessment bill has now been raised on the petitioner on 06.11.2019 for a sum of Rs. 1,57,677/-.
2. Learned counsel for the petitioner states that they have also filed an appeal under Sections 126 and 127 of the Electricity Act, 2003. However, he submits that in the meantime, a 48 hour disconnection notice has been served on the petitioner for non-payment of the alleged bill of Rs.1,57,677/-.
3. Learned counsel for the respondent submits that no appeal lies under Section 127 of the Electricity Act. In this case, only this writ petition would lie as it is a case of theft of electricity and not misuse of electricity.
4. Learned counsel for the petitioner states that the allegation of theft of electricity are being made based on the fact that the meter in question was changed on the request of the petitioner who had made an application for

Grid Connection under the Renewable Energy System. Thereafter, the respondent is said to have sent the two meters to the testing laboratory. In one metre, it is reported that there has been some tempering of the meter. Based on that a connection load of 15KW has been taken for the said meter and the aforesaid bill has been imposed on the petitioner. He submits that there was no occasion for the petitioner to temper the electricity meter. Further, there were two electricity meters in the premises and the respondent has wrongly taken the connection load of 15 KW for the alleged meter in question.

5. A perusal of the impugn order shows that no hearing was given to the petitioner. Hence the version of the petitioner was not articulated.

6. Let the respondent give a hearing to the petitioner/authorised representative of the petitioner. The hearing may take place on 25.02.2020 at 11.00 A.M. at Andrews Ganj Office of BSES Rajdhani Power Ltd. Petitioner will also be entitled to file written submissions in support of his contention. After hearing is completed, the concerned official may pass a speaking order. In the meantime, the impugn order dated 17.10.2019 and the bill dated 06.11.2019 are put in abeyance till the decision is taken by the respondent as above.

7. With the above directions, the petition stands disposed of. Pending applications also stand disposed of.

JAYANT NATH, J

FEBRUARY 05, 2020

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