

\$~10

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

+ W.P.(C) 4364/2020 & CM APPL. 15718/2020

ANIL KUMAR BHASIN Petitioner

Through: Mr. Ankur Bhasin, Advocate.

versus

TATA POWER DELHI DISTRIBUTION LIMITED & ANR.

...Respondents

Through: Mr. Manish Srivastava, Mr. Rijul Taneja
and Ms. Mehak Khurana, Advocates for
R-1.
Ms. Sangita Rai, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **21.07.2020**

The hearing was conducted through video conferencing.

CM APPL. 15717/2020 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed-off.

CM APPL. 15719 /2020 & CM APPL. 15720 /2020 (Exemption)

3. Exemption allowed, subject to the condition that the petitioner will file the duly sworn/attested affidavit and the requisite court fee within 72 hours from the date of resumption of the regular functioning of this Court.
4. The application stands disposed-off.

W.P.(C) 4364/2020 & CM APPL. 15718/2020

5. Since no relief is sought against respondent no. 2, the same is deleted from the array of parties.
6. The learned counsel for the petitioner submits that sanctioned load has been increased from 1 kw to 3 kw. Although, the petitioner had not applied for any such enhancement of the load.
7. The learned counsel for respondent no. 1 submits that there is an automatic enhancement of sanctioned load depending upon the past usage of electricity. If it is found that there has been a consistent increase in the usage of electricity over and above the sanctioned load, then the sanctioned load is increased and the augmented fixed charges are, therefore, payable by the consumer.
8. However, since the petitioner's representations made in this regard have not yielded any response or reply from the Discom/R-1, let this petition be treated as his representation, on which a decision shall be communicated by R-1 to the petitioner after according him due hearing. R-1 may make adjustments apropos the disputed bills and intimate the petitioner.
9. In the interim, the petitioner shall pay the electricity consumption charges and the fixed charge for 1 kw. However, till his representation is decided, no adverse action shall be taken by respondent no. 1 apropos the fixed charges for the additional 2 kws. The petitioner shall be granted two weeks to make payments, if the additional fixed charge is found payable, while disposing-off his representation.
10. R-1 submits that for billing disputes, there is an equally efficacious and alternate remedy available.

11.The petition, alongwith pending application, stands disposed-off in terms of the above.

12.The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

JULY 21, 2020/RW