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

+ **W.P.(C) 5170/2020**

**KALANIDHI INTERNATIONAL
PRIVATE LIMITED & ANR.**

.....Petitioners

Through: Mr Anirudh Wadhwa and Mr Vipul
Kumar, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. Respondents

Through: Mr Anil Grover, Standing Counsel for
NDMC with Mr Tushar Sannu, ASC
with Ms Ankita Bhadouriya, Ms
Noopar Singhal and Mr Nishal Vij,
Advocates.

Ms Bharathi Raju, CGSC for UOI/R-
3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **11.08.2020**

The hearing was conducted through video conferencing.

CM APPL. 18615/2020 (Exemption)

1. Allowed subject to all just exceptions. The application stands disposed-off.

CM APPL. 18616/2020 (Court fee)

2. Exemption allowed, subject to the condition that the applicants 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.

3. The application stands disposed-off.

W.P.(C) 5170/2020 & CM APPL. 18614/2020 (Interim relief)

4. Issue notice.

5. Learned counsel for the respondents named above accept notice.
6. At joint request of learned counsel for the parties, the petition is taken up for disposal.
7. This petition seek the following reliefs:

“a) Direct the Respondents to accord sanction, issue requisite certificates and/or take all such other actions as may be required or necessary in order to effect conversion of the residential parts of the property situated at Plot Number 13, Block No. 172, Jor Bagh Maket, New Delhi to ‘commercial’ use;

b). Direct the Respondents to accord sanction, issue requisite certificates and/or take all such other actions as may be required or necessary in order to convert the two electricity connections being (1) Consumer No. (1023264), C.A. No. (1751987233) & K. No. (58991 A); and (2) Consumer No. (1023263), C.A. No. (5353208184) & K. No. (K61355) at Plot Number 13, Block No. 172, Jor Bagh Maket, New Delhi to ‘commercial’ user type;

c). Direct the Respondents to either refund to the Petitioner or adjust against the future bills to be issued in respect of the two electricity connections being (1) Consumer No. (1023264), C.A. No. (1751987233) & K. No. (58991 A); and (2) Consumer No. (1023263), C.A. No. (5353208184) & K. No. (K61355) at Plot Number 13, Block No. 172, Jor Bagh Maket, New Delhi, the ‘misuser’ charges wrongly levied upon the Petitioner beyond charging the commercial rates for the units of electricity consumed in terms of Annexure 16 to the present Petition;

d). Restrain the Respondents from levying any further ‘misuser’ charges upon the Petitioner in respect of the two electricity connections being (1) Consumer No. (1023264), C.A. No. (1751987233) & K. No. (58991 A); and (2) Consumer No. (1023263), C.A. No. (5353208184) & K. No. (K61355) at Plot Number 13, Block No. 172, Jor Bagh Maket, New Delhi;

e) Restrain the Respondents from taking any other action that may be adverse to the interests of the Petitioner in respect of its property at Plot Number 13, Block No. 172, Jor Bagh Maket,

New Delhi...”

8. The petitioners are aggrieved by the inaction of the respondent-Council, apropos their repeated requests for conversion of the property bearing number Plot Number 13, Block No. 172, Jor Bagh Market, New Delhi from ‘residential’ to ‘commercial’. The petitioners have paid the requisite fees for this purpose; moreover, the Council has been charging them ‘commercial’ rates for their electricity meter as well as ‘misuser’ charges.
9. Let this petition be treated as the petitioners’ representation by the Council. A decision on the same shall be taken and communicated to the petitioners within four weeks, after hearing them. If aggrieved by the final decision of the Corporation, the parties would be free to pursue remedies as may be available to them in law.
10. The petition, along with pending application, stands disposed-off.
11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 11, 2020/rd