



\$~77

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

+ **W.P.(C) 6226/2024**

RAJESH SHARMA

..... Petitioner

Through: Mr. Abhay Kumar, Mr. Dharmender
Tyagi and Mr. Surender Kumar,
Advvs.

versus

BSES RAJDHANI POWER LTD & ORS.

..... Respondents

Through: Mr. Rishab Raj Jain, SC along with
Mr. Sharique Hussain and Mr.
Raghav Awasthi, Advvs. for BSES-
RPL.
Ms. Avni Singh, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

03.05.2024

%

CM APPL. 25945/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6226/2024 and CM APPL. 25946/2024

1. The present petition has been filed by the petitioner being aggrieved by inaction of the respondent no.1/ BSES Rajdhani Power in restoring/installing electricity connection at the petitioner's premises bearing no. E-14, Amar Colony, Kamaruddin Nagar, Nangloi, New Delhi-110041.
2. It is averred in the petition that supply of electricity to the petitioner's premises was disrupted on account of theft of electricity meter (CA no.



401652076) on 19.02.2024. It is further averred that a complaint/representation was given by the petitioner to respondent no.1 for reinstallation of the electricity meter on 19.02.2024; however, no action has been taken by the respondent no.1 till date.

3. Learned counsel for the Respondent No. 1 submits that there is a serious ownership dispute with regard to the property in question, as a result of which a serious controversy has been raised by the co-owners as to the petitioner's right to install an electricity connection in his name at the premises in question.

4. In **Ram Kishan v. N.D.P.L**, 2005 SCC OnLine Del 1281, a Division Bench of this court has *inter alia* held as under:-

“10. If this Court entertains writ petition regarding disputes relating to electricity, water, telephones bills, etc. even though there is an alternative remedy provided by the statute before some Forum, this Court will be flooded with lacs and lacs of such writ petitions and will be doing no other work except deciding such writ petitions.

11. We are of the opinion that ordinarily no writ petition should be entertained regarding disputes relating to electricity, water, telephone and other kind of bills, if there is a Forum provided under the statute or rules or regulations thereunder for resolving such disputes.

12. The Electricity Act, 2003 has clearly provided a Forum under Section 42(5) as well as the Ombudsman under Section 42(6). We are informed that the Forum and Ombudsman under Sections 42(5) and 42(6) have both been created on 1.8.2004.

13. Thus, the appellant and all persons who have disputes regarding electricity bills have two alternative remedies. Firstly, they may approach the Forum under Section 42(5), and if they are aggrieved by the decision of the Forum, they may approach the Ombudsman under Section 42(6).”

5. As such, the grievance sought to be raised by the petitioner can be agitated before the Consumer Grievance Redressal Forum (“CGRF”).



Complete machinery has been provided in Section 42(5) and 42(6) of the Electricity Act, 2003 for redressal of grievances of individual consumers. It has been held that when a forum/ombudsman has been created, the consumers can take recourse to these bodies for redressal of their grievances. The same shall necessarily be subject to further legal remedies of the petitioner.

6. Accordingly, the present petition is dismissed with liberty to the petitioner to approach the CGRF for redressal of his grievances.

7. The CGRF is requested to expeditiously consider any such petition that may be filed by the petitioner.

SACHIN DATTA, J

MAY 3, 2024/