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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7836/2024 & CM APPL. 32445/2024**
MADHU BALAPetitioner
Through: **Mr. Kshitiz Mahipal, Adv.**

versus

BSES YAMUNA POWER LIMITEDRespondent
Through: **Mr. Manish Srivastava, Adv.**
along with Mr. Moksh Arora
and Mr. Santosh Ramdurg,
Adv.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **18.09.2024**

1. The instant writ petition relates to the challenge to the DAE bill of Rs.24,61,572.91/- to be paid by 19.04.2024.
2. Various grounds have been asserted by the petitioner to state that the aforesaid demand is illegal and improper. The petitioner has also asserted that the meter in question was faulty and despite complaints, no action was taken by the respondent.
3. The Court, however, takes note of the decision passed by this Court on 01.07.2024 in W.P. (C) 9215/2007, where, the petitioner was relegated to the remedy under the civil law in view of various facts and circumstances involved therein. In the instant case as well, the Court is of the considered opinion that the nature of the allegation and the submission made by the petitioner will require adducing of oral and documentary evidence to be appreciated by the competent Civil Court.



4. For the sake of clarity, paragraph nos.11 to 14 of the order dated 01.07.2024 in W.P. (C) 9215/2007 read as under:-

"11. However, the present is not the case where any of the exigencies as mentioned in the aforementioned paragraphs are met. More importantly, this is not the case wherein, any fundamental right of the petitioner was violated. Moreover, the petitioner has all the rights to approach the Civil Court Having considered the nature of the grievance raised in the writ petition, it is found that the alleged violations of Rules and Regulations, if any can also be gone into by the concerned Court. Essentially the issue whether the petitioner was involved in the alleged theft of electricity or not perhaps may not be amenable to adjudication by this court in exercise of the extraordinary powers conferred under Article 226 of the Constitution.

12. Therefore, in view of the observations made hereinabove, the petitioners are granted liberty to approach the Civil Court or avail any other remedy, available as per law, for ventilation of his/her grievances,

13. In the present batch of cases, the matters remained pending for quite a long time. In some of the cases, the stay was operating while in others, the matters were also sent for mediation. The respondent admittedly has not recovered the amount in question, therefore, under the aforesaid circumstances, there shall be no recovery proceedings as well as no disconnection of supply for a period of 90 days from today as is also undertaken by learned counsel for the respondent. On the petitioner approaching the concerned Court, let the same be decided in accordance with law, without being influenced by the observations made hereinabove.

14. With the aforesaid observations, the petition stands disposed of."

5. In view of the aforesaid, looking at the controversy involved in the case at hand, the Court is not inclined to interfere while exercising writ jurisdiction and instead grants liberty to the petitioner to approach the Civil Court or to avail any other remedy in accordance with law.

6. With the aforesaid liberty, the petition stands disposed of alongwith the pending application.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 18, 2024/KG