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

+ **CONT.CAS(C) 979/2024**

SUBHASH AGGARWAL

..... Petitioner

Through Mr.H.C.Suri and Ms.Harshita
Bansal, Advocates.

versus

BSES RAJDHANI POWER LIMITED & ORS.

..... Respondents

Through Mr.Narender Hooda, Sr.
Advocate with Mr.Rishab Raj
Jain, standing counsel for BSES
with Mr.Raghav Awasthi,
Mr.Shaurya Lamba, Mr.Shiv
Bhodnagar, Advocates.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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26.06.2024

CM APPL. 35571/2024 – EXMP.

Allowed, subject to all just exceptions.

The application shall stand disposed of.

CONT.CAS(C) 979/2024 , CM APPL. 35570/2024

1. The petitioner has preferred this contempt petition under Section 12 of the Contempt of Courts Act, 1971 alleging wilful disobedience on the part of the respondent in disconnecting the supply of electricity to his premises w.e.f. 04.06.2024, which is in violation of the order dated 24.03.2022 passed by the learned Civil Judge, West District, Tis Hazari Courts, Delhi in CS SCJ No.176/21.

2. Learned counsel for the respondent is present on advance



notice.

3. Having heard learned counsels for the rival parties and on perusal of the relevant record, it emerges that vide order dated 24.03.2022, the learned trial court in the pending suit instituted by the plaintiff/petitioner had allowed an application under Order XXXIX Rule 1 and 2 CPC thereby directing the defendant not disconnect the supply of electricity to the premises of the petitioner/plaintiff subject to him depositing 50% of the total outstanding amount.

4. It is pointed out by the learned counsel for the respondent that the total outstanding amount was approximately Rs.11 lacs and evidently, 50% of the said amount towards such outstanding bill had been deposited by the petitioner, which is recorded in order 15.11.2022 of the learned Civil Judge. However, learned counsel for the respondent has pointed out that as many as 27 electricity bills have been sent to the petitioner over the last two years, apart from 23 disconnection notices, but he has not cared to pay the current demand charges.

5. Learned counsel for the petitioner has urged that the bills are being assessed on an excessive basis and his repeated representations to the respondent/ defendants to restrict the connected load of 11 kw have fallen on deaf ears.

6. Learned counsel for the respondent has also urged that the appropriate remedy for the court for the petitioner is to approach the learned Civil Court under Order XXXIX Rule 4 CPC and the petition for contempt is not maintainable. Evidently, an application Order XXXIX Rule 4 CPC has been filed by the petitioner before the learned Civil Judge on 05.06.2024, calling upon the respondents to file a



reply, and the learned Civil Judge has listed the matter for hearing on 29.08.2024.

7. Although the present contempt petition is not maintainable, however, this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India unhesitatingly finds that adjourning the matter for such a long date without considering the grievances of the petitioner/plaintiff has resulted in miscarriage of justice.

8. All said and done, the petitioner remains liable to pay the current demand charges which are stated to be to the tune of Rs.7,88,000/-. The petitioner is called upon to deposit the said amount within 30 days from today in two instalments.

9. Accordingly, the present petition is disposed of with direction to the respondents to restore the supply of electricity to the premises of the petitioner within seven days from today on the petitioner depositing outstanding amount of the bills in two equal instalments of Rs.3,50,000/- within seven days from today and the balance amount within one month thereafter. The petitioner is at liberty to move an appropriate application before the respondents for assessing the bills with the connected load of 11 kw.

10. Nothing contained in this order shall tantamount to an expression of opinion on the merits of the case. This order is passed without prejudice to the rights and contentions of the parties.

11. Disposed of accordingly.

DHARMESH SHARMA, J.
(VACATION JUDGE)

JUNE 26, 2024
VLD