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

+ **W.P.(C) 13841/2019, CM APPL. 55604/2019**

SMT. SUDESH GARG

.....Petitioner

Through: Mr. Fanish K. Jain, Mr. Ritik Duggal,
Advocates.

versus

**TATA POWER DELHI DISTRIBUTION LTD.
AND ORS.**

.....Respondent

Through: Mr. Manish Srivastava, Mr. Moksh
Arora, Mr. Santosh Ramdurg and Mr.
Yash Srivastava, Advocates along
with Amit Singh AGM Legal of
TPDDL.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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30.08.2024

1. The instant petition has been filed seeking the following reliefs:-

- a) *A direction, order or writ in the nature of certiorari or any other appropriate writ, order or direction quashing/setting aside impugned order No.265094 dated 15.11.2019 and the impugned bill of Rs.57,07,686/- dated 15.11.2019 raised vide bill No.40000398733 by the Respondent no.1 on the account of alleged dishonest abstraction of energy against C.A. NO.60014799278 installed at 808, First Floor, Block-E, DSIDC, Narela, Delhi-110040 or in the alternate declare that the impugned bill of Rs.57,07,686/- dated 15.11.2019 is liability of the Respondent no.2 & 3.*
- b) *Award the cost of present proceedings in favour of the petitioner.*
- c) *Any other relief or further relief which this Hon'ble Court deems fit and proper in facts and circumstances of the case may also be granted in*



favour of the petitioner.

2. The petitioner in the instant writ petition is aggrieved by the impugned order dated 15.11.2019 and impugned bill of even date, wherein, amount of Rs.57,07,686/- has been raised by respondent no.1.

3. The Court takes note of the decision dated 01.07.2024 passed by this Court in the batch of writ petitions, one being W.P.(C) 9215/2007 titled as ***Kishan Singh Shokeen v. B.S.E.S.Rajdhani Power Ltd.*** and finds that almost under the similar controversy the petitioners therein were relegated to pursue civil remedies.

4. Paragraph nos. 11 to 14 of the order dated 01.07.2024 in W.P.C. 9215/2007 reads 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 nature of the grievance raised in the instant writ petition, the Court does not intend to interfere in writ jurisdiction and instead grants liberty to the petitioner to approach the Civil Court or to avail any other remedy available as per law for ventilation of his grievances.

6. Since during the pendency the instant writ petition the stay was operating in favour of the petitioner. The Court, therefore, directs that for the period of 90 days from today the interim order granted by this Court shall remain in force. The same shall be subject to petitioner approaching the Civil Court not beyond 6 weeks from today. The petitioner however, shall be at liberty to file injunction application before the concerned Court, which shall be dealt with in accordance with law.

7. Needless to state that if the petitioner claims benefit of Section 14 of the Limitation Act, 1963 let the same be considered in accordance with law.

8. Accordingly, the petition stands disposed of alongwith all pending applications.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 30, 2024/KG