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

+ **W.P.(C) 11296/2024 & CM APPL. 46767/2024**

SHIV SHANKAR AGGARWAL

.....Petitioner

Through: **Mr.Abhishek Sharma and Mr.Mayank Ahuja, Advs.**

versus

BSES RAJDHANI POWER LIMITED

.....Respondent

Through: **Mr.Manish Srivastava with Mr.Santosh Ramdurg, Advs for BSES.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **14.08.2024**

1. This Court, in W.P.(C) 7209/2024, *vide* order dated 06.08.2024 has taken the view that the High Court under Article 226 of the Constitution of India cannot serve as an executing Court for the execution of the orders passed by the Additional District Magistrate. The relevant portion is extracted below:

3. The Court is of the considered opinion that the writ jurisdiction under Article 226 of the Constitution of India, the High Court cannot become an executing Court for the execution of the orders passed by the ADM. The writ jurisdiction of this Court is an extraordinary jurisdiction which can be invoked only when there is a grave injustice and deprivation of rights to the aggrieved person. If the court starts entertaining even the execution proceedings, it would be considered a usurpation of charge of an executing court and the similarly placed cases would pile up before the Writ Court which could be well taken care of by the concerned authorities.

4. The Court is, therefore, unable to grant the prayer made in the instant writ petition. The petitioner, however, shall be at liberty to take appropriate recourse in accordance with law for getting the aforesaid order implemented.

5. With respect to the compensation sought, the petitioner shall be at liberty to take appropriate remedy under the civil law.

2. In the instant case, the petitioner seeks for a direction to implement



the order passed by the Consumer Grievance Redressal Forum (CGRF), which has been set up under Section 42(5) of the Electricity Act, 2003.

3. If the order passed by the CGRF is not complied with, the petitioner will have to initiate proceedings under Section 142 of the Electricity Act, 2003 before the State Electricity Regulatory Commission.

4. Since the petitioner has an efficacious alternative remedy, therefore, this Court is not inclined to entertain the instant writ petition and the same is accordingly dismissed, along with pending application.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 14, 2024/MJ