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

+ **W.P.(C) 14380/2005**

MANOJ GARG

.....Petitioner

Through: Mr. Lakshay Agarwal and Mr. Akash Tyagi, Advs.

versus

BSES RAJDHANI POWER LTD.

.....Respondent

Through: Mr. Rishabh Raj, SC for BSES with Mr. Sharique Hussain, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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03.09.2024

1. The petitioner in the instant writ petition is aggrieved by the alleged illegal and *malafide* inspection report dated 23.04.2005. He also seeks for directions to set aside the speaking order dated 29.06.2005 issued against electricity connection bearing K.No.2630J0600328 installed at A-1, DSIDC Industrial Complex, Nangloi, New Delhi.
2. According to the petitioner, a bill of Rs.34,29,051/- with a due date being 04.08.2005 was raised by the electricity department for dishonest abstraction of electricity. He submits that the said supplementary bill against the aforesaid meter connection is illegal and improper and the same deserves to be set aside on various grounds. He also submits that under the facts of the present case, the remedy of filing a Civil Suit would be barred.
3. This Court has considered almost a similar controversy in W.P.(C)



10687/2009 titled as ***Kishan Singh Shokeen v. B.S.E.S. Rajdhani Power Ltd.*** vide order dated 01.07.2024. Paragraph nos.11 to 14 of the aforesaid order 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."

4. In view of the aforesaid, leaving all contentions open, the Court directs the petitioner to approach the appropriate Civil Court or avail any other remedy available in accordance with law for ventilation of his grievance.

5. The Court, at this stage, also takes note of the interim order dated 17.11.2005 which is already in force for quite a long time and therefore, under the aforesaid circumstances, the same shall remain in force for a



period of 90 days from today.

6. The petitioner shall be at liberty to file appropriate application under Order XXXIX Rule 1 and 2 before the concerned Civil Court. If the petitioner does so, the same shall be decided in accordance with law.

7. With the aforesaid observation, the instant writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J.
SEPTEMBER 3, 2024/MJ