



\$~41

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

+ **LPA 1118/2024 & CM APPL. 66484/2024 – STAY**

MANOJ GARG

....Appellant

Through: Mr. Mrinal Harshvardhan, Mr.
Lakshay Agarwal & Mr.
Aakash Tyagi, Advs.

versus

BSES RAJDHANI POWER LIMITED

....Respondent

Through: Mr. Rishab Raj Jain, SC with
Ms. Garvita Jain & Mr.
Sharique Hussain, Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **14.11.2024**

CM APPL. 66485/2024 – EXMP.

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

LPA 1118/2024 & CM APPL. 66484/2024 – STAY

3. The petitioner in this Letters Patent Appeal lays challenge to the impugned judgment dated 03.09.2024 passed by the learned Single Judge, whereby the writ petition was dismissed holding that the issues raised by the petitioner with regard to alleged theft of the electricity is not amenable to adjudication by this Court in exercise of powers under Article 226 of the Constitution of India, 1950, and thus, the petitioner was given liberty to approach the Civil Court or avail any other remedy available in accordance with law.
4. Learned counsel for the respondent is present on advance notice.



5. Shorn of unnecessary details, the petitioner is aggrieved of alleged inspection report dated 23.04.2005 conducted by the officials of the respondent whereby not only the connected load was found to be 79.969 KW as against the sanctioned load of 40 KW but also half seals of both the meters were found tampered and refixed with the help of adhesive and the meter was found to be tampered with. Resultantly a bill of Rs. 34,29,051/- with due date 04.08.2005 was raised by the respondent for alleged dishonest abstraction of electricity. The said action of the respondent was assailed in the writ petition leading to the impugned order.

6. Upon hearing the learned counsel for the petitioner, we find no ground to interfere. Although, learned Single Judge may not have been correct in law that the petitioner could approach the Civil Court for remedy as the jurisdiction of Civil Court is barred by Section 145 of the Electricity Act, 2003, however, learned Single Judge has also provided that the petitioner may avail any other remedy available in law for ventilation of his grievance. Merely because the writ petition has been pending for 19 years does not afford any legal right to the petitioner, who has not cared to seek adjudication of his dispute by taking recourse to Sections 127 of the Electricity Act, 2003.

7. The plea that during the relevant time there was no appellate authority functioning, cuts no ice inasmuch as soon after the appellate authority had been nominated, the petitioner had an appropriate remedy to file an appeal against impugned assessment and seek appropriate relief.

8. The present LPA is, therefore, dismissed with liberty to the petitioner to seek appropriate relief in terms of Section 127 of the Electricity Act, 2003.



9. The present LPA along with pending application stands disposed of.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 14, 2024/sm