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

+ **W.P.(C) 4163/2025 & CM APPLs. 19332/2025 & 19333/2025**

MS PRATEEK COLLECTION LLP

.....Petitioner

Through: Mr. Kshitiz Mahipal with
Mr. Khairun Nisa, Advocates.
(M): 9999994372
Email: kshitizmahipal@gmail.com

versus

BSES YAMUNA POWER LIMITED

.....Respondent

Through: Ms. Kirti Garg with Mr. Sharique
Hussain, Advocates.
(M): 9540535859
Email: sharique@rrjassociate.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

02.04.2025

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CM APPL. 19332/2025 (For Exemption)

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

W.P.(C) 4163/2025 & CM APPL. 19333/2025 (Application for restoration of electricity supply)

3. The present petition has been filed for quashing of the Final Assessment Bill for tariff violation for ₹29,09,956/-, and Disconnection Notice dated 20th March, 2025.
4. Learned counsel appearing for the petitioner submits that the officials of respondent came at the premises of the petitioner, i.e., *property bearing*

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no. B-1/8, Pusa Road, Old Rajinder Nagar, New Delhi-05, and issued Disconnection Notice for non-payment of Final Assessment Bill, having due date of 22nd November, 2024, for tariff violation.

5. It is submitted that no Show Cause Notice was issued to the petitioner or any assessment order was passed against the petitioner, before issuing of the said Final Assessment Bill.

6. Learned counsel for the petitioner further submits that after some officials of the respondent visited the premises of the petitioner on 25th March, 2025, and the electricity meter of the petitioner was disconnected on the ground of non-payment of the impugned Final Assessment Bill of ₹29,09,956/-.

7. Thus, it is the case of the petitioner that since no provisional assessment order or any provisional assessment under Section 126(2) of the Electricity Act, 2003, was served to the petitioner, the impugned assessment bill is illegal, null and void.

8. Per contra, learned counsel appearing for the respondent BSES Yamuna Power Limited submits that the inspection of the premises was carried out on 31st July, 2024. He further submits that provisional assessment order was passed on 12th August, 2024 and thereafter, the Final Assessment Bill was passed on 23rd October, 2024. He submits that all intimations were given to the petitioner.

9. However, the aforesaid fact is denied by learned counsel appearing for the petitioner, who submits that the petitioner ought to have been allowed personal hearing before passing the Final Assessment Bill.

10. Having heard learned counsels appearing for the parties and having perused the record, this Court notes that Section 127 of the Electricity Act,



2003, provides for a provision for an appeal to the Appellate Authority. Section 127 of the Electricity Act, 2003, reads as under:

“Section 127. (Appeal to Appellate Authority): --- (1) Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to [half of the assessed amount] is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the assessing officer and the appellant.

(4) The order of the appellate authority referred to in sub-section (1) passed under sub-section (3) shall be final.

(5) No appeal shall lie to the appellate authority referred to in sub-section (1) against the final order made with the consent of the parties.

(6) When a person defaults in making payment of assessed amount, he, in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent, per annum compounded every six months.”

11. This Court further notes that as regards the alternative remedy of filing an appeal under Section 127 of the Electricity Act, 2003, Division Bench of this Court in the case of ***Dheeraj Singh Versus BSES Yamuna Power Ltd., 2006 SCC OnLine Del 139***, has held as follows:

“xxx xxx xxx

5. ***We have held in a recent Division Bench decision in Ram Kishan v. NDPL in LPA No. 746/2004 decided on 30.11.2005 that ordinarily no writ petition should be entertained regarding disputes relating to electricity, water, telephone or other kinds of bills if there is a forum provided under the statute or rules and regulations for resolving such disputes as there would be an alternative remedy.***

6. So far disputes concerning bills issued under the Electricity Act are



concerned, there is a provision for an Ombudsman under Section 42(6) and a Forum for redressal of grievances of consumers under Section 42(5) of the Electricity Act and both these have been created. We have held in the aforesaid decision that both the Ombudsman as well as the Forum have inherent powers of granting interlocutory orders pending decision of the case before them and we are of the opinion that there are also similar powers to grant such relief in an appeal under Section 127 of the Electricity Act.

7. **Hence, the petitioner has an alternative remedy of filing an appeal under Section 127 of the Act or he can go under Section 42(5) to the Forum or Ombudsman under Section 42(6) of the Act, whichever provision is applicable.**

8. **The appeal is, therefore, dismissed on the ground of alternative remedy. If the appellant avails of the alternative remedy, any observations made by the learned Single Judge will not be taken into consideration.**”

(Emphasis Supplied)

12. Accordingly, the following directions are issued:

- I. The petitioner shall file an appeal before the Appellate Authority in terms of Section 127 of the Electricity Act, 2003, within a period of three weeks.
- II. The petitioner shall deposit 50% of the amount ~~₹29,09,956/-~~ ₹29,09,956/-, within a period of one week, from today.
- III. Upon the petitioner depositing the aforesaid amount with the respondent, the respondent shall restore the electricity connection in the premises of the petitioner forthwith.
- IV. The requisite documents with respect to the inspection, passing of the provisional assessment and the Final Assessment Bill, shall be supplied to learned counsel for the petitioner, on the email, which is reflected in today's order.
- V. It is clarified that in case statutory appeal is not filed by the petitioner before the Appellate Authority, within a period of three weeks, the



respondent shall be at liberty to take action against the premises of the petitioner, in accordance with law.

13. With the aforesaid directions, the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 2, 2025

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