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

+ **W.P.(C) 4790/2025 & CM APPL. 22034/2025**

SHRI SUSHIL GUPTA

.....Petitioner

Through: Mr. Shiv Charan Garg and Mr. Imran
Khan, Advocates
Mob: 9313413721
Email: shivcharangarg@gmail.com

versus

BSES YAMUNA POWER LTD.

.....Respondent

Through: Ms. Kirti Garg and Mr. Sharique
Hussain, Advocates
Mob: 7899682206
Email: kirti@rrjassociate.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
16.04.2025

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1. The present writ petition has been filed for directions to quash the Final Assessment Order dated 14th February, 2025, passed by the respondent under Section 126 of the Electricity Act, 2003.
2. It is the case on behalf of the petitioner that the petitioner is consumer of the respondent, i.e., BSES Yamuna Power Limited, having electricity connection bearing CA No. 100869463 installed at *property bearing no. R-470/17, Ground Floor, Main Market Shakarpur, Delhi-110092*.
3. Learned counsel appearing for the petitioner submits that prior to the year 2010, the petitioner has been paying electricity charges as domestic, and has been using the said connection only for domestic purpose.



4. He further submits that the respondent has sent an electricity bill dated 25th February, 2025 as commercial bill, without duly inspecting the premises of the petitioner.
5. It is submitted that subsequently when the respondent had sent a Provisional Assessment Order dated 23rd January, 2025, the petitioner duly submitted objections dated 30th January, 2025 to the concerned Assessing Officer of the respondent, to consider his grievance that the Provisional Assessment Order was bad in law and had been passed without duly inspection of the premises.
6. It is further submitted that despite the said objections having been duly received by the respondent, the said objections have not been taken into account and the respondent had issued a Final Assessment Order dated 14th February, 2025, under Section 126 of the Electricity Act, 2003.
7. It is submitted that the impugned Assessment Order dated 14th February, 2025, has been passed without any proper inspection of the premises and without any consideration of the documents.
8. Issue notice. Notice is accepted by learned counsel appearing for the respondent.
9. Learned counsel appearing for the respondent submits that the present writ petition is not maintainable, as the petitioner ought to approach the Appellate Authority under Section 127 of the Electricity Act, 2003.
10. He further draws the attention of this Court to the inspection carried out by the respondent and submits that at the time of inspection, it was found out that the meter in question, which had been sanctioned for domestic purpose, was being used for commercial purpose, i.e., Paying Guest accommodation.



11. He further submits that pursuant to the inspection, a Provisional Assessment Order dated 23rd January, 2025 was issued.
12. Subsequently, after considering the reply of the petitioner herein, a Final Assessment Order dated 14th February, 2025 was issued.
13. Responding to the same, learned counsel appearing for the petitioner submits that even if any Paying Guest accommodation existed in the property in question, the same falls within residential use, and not in commercial use, and the same is opposed by the learned counsel appearing for the respondent.
14. Considering the submission made before this Court, this Court is of the view that since the statutory provisions with regard to filing of appeal before the Appellate Authority is in existence, the petitioner herein ought to file an appeal before the appropriate Authority in terms of Section 127 of the Electricity Act, 2003.
15. At this stage, learned counsel appearing for the petitioner submits that he may be granted two weeks time for the same.
16. Accordingly, it is directed that the petitioner herein shall pay 50% of the raised bill, i.e., 50% of Rs. 81,411/-, within a period of two weeks from today with the respondent.
17. Further, the petitioner is granted liberty to file an appeal before the Appellate Authority within a period of two weeks from today, during which, no coercive action shall be taken by the respondent against the petitioner.
18. It is clarified that in case no appeal is filed by the petitioner within a period of two weeks, the protection granted by this Court shall automatically lapse after two weeks.
19. It is further clarified that this Court has not expressed any opinion on



the merits of the case, which shall be decided by the Appellate Authority after hearing both the parties and considering the requisite documents on record.

20. With the aforesaid directions, the present petition along with the pending applications stands disposed of.

MINI PUSHKARNA, J

APRIL 16, 2025
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