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

+ **W.P.(C) 4969/2025 & CM APPL. 22837/2025**

SHRI SUDHIR GUPTA

.....Petitioner

Through: Mr. Shiv Charan Garg with Mr. Imran
Khan, Advocates.
(M): 9313413721
Email: shivcharangarg@gmail.com

versus

BSES YAMUNA POWER LTD

.....Respondent

Through: Mr. Sharique Hussain, Advocate.
(M): 9540535859

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.04.2025

W.P.(C) 4969/2025

1. The present writ petition has been filed seeking directions to quash the *Final Assessment Order bearing ref no. SO123002250061*, dated 14th February, 2025, passed by the respondent, BSES Yamuna Power Limited, under Section 126 of the Electricity Act, 2003.
2. The petitioner is stated to be a consumer of the said respondent, having electricity connection bearing CA No. 101008388, installed at property bearing No.R-140/17, 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. It is submitted that the respondent had issued a Provisional Assessment Order dated 23rd January, 2025, and a bill dated 25th February, 2025 as a commercial bill, to which 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 inspecting of the subject premises.

5. It is further submitted that despite the said objections having been duly received by the respondent, the said objections have not been taken into consideration and the respondent issued a Final Assessment Order dated 14th February, 2025, under Section 126 of the Electricity Act, 2003.

6. It is submitted that the impugned Final Assessment Order dated 14th February, 2025, has been passed without any proper inspection of the premises and without any consideration of the documents.

7. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

8. 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.

9. He further draws the attention of this Court to the inspection dated 17th January, 2025 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.

10. He further submits that pursuant to the inspection, the Provisional



Assessment Order dated 23rd January, 2025 was issued.

11. Subsequently, after considering the reply of the petitioner herein, a Final Assessment Order dated 14th February, 2025, was issued.

12. 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. However, the same is opposed by the learned counsel appearing for the respondent.

13. Considering the submissions 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 are in existence, the petitioner herein ought to file an appeal before the Appropriate Authority in terms of Section 127 of the Electricity Act, 2003.

14. At this stage, learned counsel appearing for the petitioner submits that he may be granted two weeks time for the same.

15. Accordingly, it is directed that the petitioner herein shall pay 50% of the raised bill, i.e., 50% of ₹1,51,310 /-, within a period of two weeks from today with the respondent.

16. 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.

17. 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.

18. 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.

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

MINI PUSHKARNA, J

APRIL 21, 2025

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