



\$~28

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

+ **W.P.(C) 1953/2026, CM APPL. 9459/2026 & CM APPL. 9460/2026**

SUNITA DEVI

.....Petitioner

Through: Mr. A.K. Thakur, Mr. Rishi Raj, Mr. Sujeet Kumar, and Mr. Ningthem Oinam, Advocates.
Petitioner-in-person.

versus

BSES RAJDHANI POWER LIMITED (BRPL)Respondent

Through: Mr. Sharique Hussain, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

13.02.2026

CM APPL. 9460/2026 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 1953/2026

2. The present writ petition has been filed seeking set aside of the order dated 14th January 2026, passed by the Consumer Grievance Redressal Forum (CGRF) in CG No.184/2025, rejecting the complaint filed by the petitioner.

3. Counsel appearing on behalf of the respondent/BSES on advance notice submits that the aforesaid order passed by the CGRF is appealable under Section 42(6) of the Electricity Act, 2003 (hereinafter 'Act').

4. For the ease of reference, Section 42(6) of the Act is set out below:

“Section 42. (Duties of distribution licensee and open access):



...

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.”

5. The operative part of the impugned order passed by the CGRF also provides that the instant order is appealable by the complainant before the Ombudsman. The same is set out below:

13. Both the parties are hereby informed that:
 - a) The instant Order is appealable by the complainant before the Ombudsman within 30 days of the receipt of the Order.
 - b) If the Order is not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.
 - c) Any contravention of this Order is punishable under Section 142 of the Electricity Act 2003.

6. From a reading of Section 42 (6) of the Act, it is clear that the statute provides for an appellate remedy against the order passed by the CGRF. Nothing has been shown on behalf of the petitioner to the effect that the statutory remedy of appeal is not efficacious or is burdensome. When the statute clearly provides for an appellate statutory remedy, this Court cannot entertain writ petitions bypassing the appellate remedy.

7. Counsel for the petitioner submits that *de hors* the alternate remedy, the present writ petition may be entertained. He places reliance on the judgment of the Supreme Court in **Dilip v. Satish and Ors.**, Criminal Appeal No.810 of 2022, in support of his contention that electricity is a basic amenity, which a person cannot be deprived of.



8. I have gone through the aforesaid judgment. The aforesaid case before the Supreme Court was in the context of the disconnection of electricity, unlike the present case, where the petitioner is seeking a new connection. The issue of the availability of a statutory remedy of appeal was not raised before Court.

9. In view of a clear statutory remedy provided under the Act, I am not inclined to entertain the present writ petition. Accordingly, the writ petition is disposed of while granting liberty to the petitioner to approach the statutory appellate authority, *i.e.* the Ombudsman.

10. In the event the petitioner invokes the aforesaid statutory remedy, the Ombudsman shall attend to it expeditiously and decide the appeal filed by the petitioner, preferably within two (2) months from the date of filing of such appeal.

AMIT BANSAL, J

FEBRUARY 13, 2026

Vivek/-