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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 340/2024**
SHIVENDER GAURAppellant
Through: Ms. Sujata Kohli, Advocate.

versus

M/S TATA POWER DELHI
DISTRIBUTION LTD (TPDDL)Respondent
Through: Mr. Manish Srivastava, Mr Moksh
Arora, Mr. Santosh Ramdurg,
Advocates with Mr. Amit Singh,
AGM Legal, TPDDL.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **07.01.2026**

CM APPL. 62851/2024 (D/225 Days in filing the appeal)

CM APPL. 62852/2024 (D/14 Days in re-filing the appeal)

1. These are the applications filed by the applicant/appellant seeking condonation of delay in filing and re-filing the instant appeal.
2. For the reasons mentioned in the applications and in view of no objection on behalf of the learned counsel appearing for the respondent, the applications are allowed and the delay in filing and re-filing the present appeal is condoned.
3. The applications are disposed of accordingly.

FAO 340/2024

1. The present appeal has been preferred by the appellant under Order 43 Rule 1(r) of CPC read with Section 104 CPC seeks to set aside the order dated 05.01.2024 passed by the learned ADJ, (West-02), Tis Hazari Courts, Delhi in Civil Suit No.862/2023, whereby an application filed under Order



39 Rules 1 & 2 CPC filed by the appellant (plaintiff therein) was allowed subject to deposit of 50% of the electricity bill amount and the same was subject to the final outcome of the suit.

2. After some arguments, learned counsel for the appellant **has** sought a pass-over. The matter was taken up after pass-over when learned counsel for the appellant, upon instructions from the appellant, states that the appellant without prejudice to his rights and contentions on the merits of the case, is ready and willing to deposit 25% of the bill amount by way of three (3) equal instalments. In this regard, learned counsel draws the attention of the Court to the fact that the respondent while assessing the theft amount has incorrectly calculated the same. She further states that the appellant undertakes to pay actual consumption electricity charges on restoration of the supply. The statement is taken on record and the appellant shall remain bound by the statement made in the Court today.

3. Learned counsel appearing for the respondent states upon instructions that the present is a case of direct theft of electricity and the matter is at the stage of defence evidence. He further refers to Section 135 of the Indian Electricity Act, 2003.

4. Be that as it may, having gone through the impugned order and considering the fact that the appellant is stated to be a senior citizen and keeping in view the peculiar facts and circumstances of the case, this Court is inclined to modify the impugned order by directing that the appellant shall deposit 25% of the theft electricity bill amount in 3 equal monthly instalments starting from this month— the first instalment shall be paid within this month and the second and last instalment shall be deposited on or before 01.03.2026. Upon deposit of second instalment, let the electricity



connection of the appellant be restored.

5. The appeal is disposed of in above terms.

MANOJ KUMAR OHRI, J

JANUARY 7, 2026/rd