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

+ **W.P.(C) 931/2019**

PANKAJ MITTAL AND ANR.

.....Petitioners

Through: **Mr.S.C.Singhal, Adv.**

versus

TATA POWER DELHI DISTRIBUTION LTD.

.....Respondent

Through: **Mr.Manish Srivastava with**

Mr.Moksh Arora, Advs for TPDDL.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.09.2024

CM APPL. 54317/2024 (Restoration)

1. The present application has been filed under Section 151 CPC on behalf of the petitioner seeking restoration of the petition.
2. For the reasons stated in the application, the same is allowed and the petition is restored to its original number.
3. The application stands disposed of.

W.P.(C) 931/2019

1. Heard learned counsel appearing on behalf of the parties.
2. Upon a perusal of the interim order dated 29.01.2019, it is seen that the petitioner had deposited a sum of Rs.5 lakhs and the respondents were directed to continue the electricity supply to the petitioner's property. For the sake of clarity, order dated 29.01.2019 is reproduced as under:-

" CM APPL. No. 4166/2019 (for exemption)

Allowed, subject to just exceptions.



Application stands disposed of.

W.P.(C) No. 931/2019 & CM APPL. No. 4165/2019 (for interim relief)

The petitioners principal grievance relates to alleged transfer by the respondent of disputed charges owed towards electricity connection CA No. 60004596999 to electricity connection CA No. 60005138411 in respect of the connection installed at property No. 89/10 Onkar Nagar-B, Tri Nagar, Delhi. The petitioners also seek other consequential relief.

Issue notice.

Mr. Manish Srivastava, learned counsel for the respondent appears on advance copy, accepts notice and seeks one week's time to file a status report/counter-affidavit.

Let status report/counter-affidavit be filed by the respondent within two weeks; response/rejoinder thereto, if any, be filed within one week of receiving the status report/counter affidavit.

Mr. Manish Srivastava states that a complaint by the petitioners is already pending before the respondent's Consumer Grievances Redressal Forum; and that the said forum is empowered to decide the main grievance made by the petitioners, except the grievance arising from alleged misuse of electricity.

Re-list for further consideration on 07th May, 2019.

At this stage, subject to the petitioners depositing Rs. 5,00,000/- with the respondent within one week from today, no action for disconnecting the electricity connection installed at the petitioners' property shall be taken by the respondent until the next date of hearing.

Order dasti under signatures of the Court Master."

3. The Court also takes note of the various facts and circumstances relating to the impugned bill.
4. Upon careful examination of the nature of the grievance sought to be agitated in the instant writ petition and the stand taken by the respondent, the Court finds that the adjudication of the same would require the parties to adduce oral and documentary evidence.
5. Under almost similar circumstances, this Court in W.P.(C) 10079/2024 titled as **Amrit Singh v. BSES Rajdhani Power Ltd. (BRPL) & Anr.**, relegated the petitioner therein to file a civil suit.



6. Keeping in view the principles already laid down in W.P.(C) 10079/2024, the Court in the instant writ petition also directs the petitioner to file a civil suit within a period of 30 days from today with respect to the prayer made in the instant writ petition. However, the interim order dated 29.01.2019 shall remain in force for a period of 60 days from the date of filing of the civil suit or till the application for interim relief is decided by the concerned Court, whichever, is later.

7. With the aforesaid observations, the instant writ petitions stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 17, 2024/MJ