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

+ CONT.CAS(C) 413/2025 CM APPL. 16034/2025

PANKAJ MITTAL & ANR.Petitioners

Through: Mr. Parth Mahajan, Adv.

versus

GAJANAN S. KALE & ANR.Respondent

Through: Mr. Sandeep Sethi, Senior Advocate
alongwith Mr. Manish Srivastava, Mr.
Moksh Arora, Mr. Ankit Bhushan and
Ms. Riya Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
15.04.2025

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1. This petition has been filed alleging wilful disobedience of order dated 17th September 2024, passed by this Court in W.P. (C) 931/2019. The relevant part of the said order is extracted as under:

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.

2. The interim order referred to the order passed on 29th January 2019, which is reproduced hereunder:



" 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. Pursuant to the same Rs.5 lakhs was deposited and the electricity connection was restored. However, summons in the suit were only received on 11th February 2025 by *Tata Power Delhi Distribution Ltd.*, and, therefore, since the time has expired to file a civil suit within 30 days, *Tata Power Delhi Distribution Ltd* had disconnected the electricity in December 2024.

4. Counsel for petitioner, however, states that the suit was filed on 15th October 2024. However, it is stated that no interim orders have been passed and, therefore, petitioner's counsel states that relief granted by the Court shall continue.

5. Mr. Sandeep Sethi, Senior Counsel for *Tata Power Delhi Distribution*



Ltd., however, states that petitioner has still not paid their current demand as well, which has now accumulated to more than *Rs.10 lakhs*.

6. Counsel for petitioner states that the whole issue was of over-charge and they ought to have been paid at half the rate at which the demand is made by *Tata Power Delhi Distribution Ltd.*

7. Considering that the issue before this Court is merely of disconnection, the said relief, if any, sought by petitioner ought to be raised in the civil suit, which is now listed before the Suit Court on 27th May 2025.

8. Counsel for the petitioner states that at the very least, electricity should be restored in the interim till further relief is granted in the civil suit.

9. In order to show his *bona fides*, they are willing to deposit *Rs.5 lakhs* before this Court. The same be deposited with the Registry within a period of next 3 weeks which shall be kept in form of interest-bearing FDR. The said amount shall be adjusted towards the ultimate demand of the *Tata Power Delhi Distribution Ltd.* and subject to the outcome of the suit.

10. This petition stands disposed of in above terms.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 15, 2025/sm/bp