



\$~40

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

+ C.R.P. 92/2022 & CM APPL. 30596/2022

BSES RAJDHANI POWER LTD

.....Petitioner

Through: Mr. Sandeep Sethi & Mr. Buddy Ranganadhan, Sr. Advs. with Mr. Anupam Varma, Ms. Shivali Rawat, Mr. Nikhil Sharma & Ms. S. Akshata, Advs.

versus

FATIK CHANDRA GHOSH

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

03.02.2026

%

1. Senior Counsels *Mr. Sandeep Sethi* and *Mr. Buddy Ranganadhan* appear for the petitioner and state that numerous attempts have been made to serve the respondent, including, through their counsel appearing in the Trial Court. It is further contended that though, service has been effected through various modes, respondent has chosen not to appear.

2. Matter has been on the Board of the Court since 2022, when notice was issued on 13th July 2022. On 27th July 2022, a Local Commissioner was appointed by the Court to inspect the area. It was noted in order dated 1st December 2022 that an affidavit of service was filed by petitioner, which stated that the complete paper book along, with copy of order dated 27th July 2022 was served upon respondent through courier and speed post and proof of service had been filed. Despite the same, no one appeared on behalf of respondent.



2024-01-10 14:41

3. It was yet again noted by the Registrar on 31st January 2024 that respondent had been served as per order dated 17th August 2023 and last and final opportunity was granted to him to file reply. On 20th September 2024, the Court noted that, despite service there was no appearance on behalf of respondent and that if respondent fail to appear on the next date of hearing, he would be proceeded *ex-parte*.

4. Fresh notice was issued to respondent on 27th May 2025, pursuant to which an affidavit of service has been filed, as no one appeared on behalf of respondent till date.

5. As per affidavit of service filed on 31st January 2026, details of attempt of service have been narrated. Primarily on 19th January 2026 *dasti* notice along with a copy of pleadings was served upon the respondent/*Fatik Chand Ghosh*. Receiving is attached along with affidavit of service. Tracking report of the registered speed post and courier have also been attached as **Annexure-A (colly)**. Copy of order dated 7th July 2025 of Trial Court has also been handed up, wherein the Trial Court has noted as under:

“It is submitted by both the sides that matter has been stayed by Hon'ble High Court of Delhi. Ld counsel for defendant has supplied copy of petition filed before Hon'ble High Court of Delhi to Ld counsel for plaintiff. It is submitted by ld counsel for defendant that he will supply copy of notice to ld counsel for plaintiff during course of day at his mobile number (whatsapp no.) 9810960086 and at his e-mail id at chaniya.advocate@ gmail.com Ld counsel for plaintiff is requested to serve the copy of notice and petition of the proceedings pending before Hon'ble High Court of Delhi to the plaintiff. Be put up on 27.10.2025”

6. In these circumstances, it is quite clear that the respondent does not wish to defend these proceedings. Accordingly, respondent is proceeded *ex-*



2024-01-10 14:40

parte.

7. *Mr. Sandeep Sethi*, Senior Advocate has addressed certain arguments which revolve around Section 145 of Electricity Act, 2003 read in conjunction with the decision in ***B.L. Kantroo v. BSES Rajdhani Power Ltd.*** (2009) 108 DRJ 239.

8. A short note of arguments not exceeding *two pages*, synopsisizing contentions along with *list of citations*, which they wish to rely upon, cross-referencing *PDF pages* of the Court File be filed by the petitioner.

9. List on 20th February 2026 in the '*Supplementary List*'.

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

ANISH DAYAL, J

FEBRUARY 3, 2026/sm/sp