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

% Judgment delivered on: 30.11.2021

+ W.P.(C) 13547/2021 & CM. APPL. 42747/2021

SUNIL KUMAR ALEDIA

..... Petitioner

versus

BSES RAJDHANI POWER LIMITED & ORS. Respondent

Through

Advocates who appeared in this case:

For Petitioners: Mr. Kamlesh Kumar Mishra, Advocate.

For Respondents: Mr. Sunil Fernandes and Mr. Subham Sharma, Advocates
for R-1 (Through VC)

Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Aishwarya
Sharma, Ms. Ayushi Bansal and Mr. Sanyam Suri,
Advocates for R-2 & R-4 (Through VC)
Advocate for R-5 & R-6 (name not given)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 09.11.2021, whereby the representation given by the petitioner was rejected and respondent/BSES Rajdhani Power Ltd. is threatening to disconnect the electricity supply of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner has already filed an appeal before ADM, South being the Appellate

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MAGGU
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to HMJ Sanjeev Sachdeva.

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By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 01.12.2021
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Authority under Section 127 of the Indian Electricity Act, 2003, however, the appeal has not yet been taken up for consideration. He submits that the petitioner has deposited 50% of the amount claimed by the service provider.

3. Issue notice. Notice is accepted by learned counsel for respondents No.1, 2, 5 and 6.

4. Learned counsel appearing for BSES Rajdhani Power Ltd. submits that the cheque of the petitioner has been dishonoured and accordingly, notices were issued threatening disconnection of electricity. He submits that thereafter payment has been deposited as claimed by the petitioner.

5. He under instructions submits that officers of the respondent shall not take any coercive action till the time appeal is taken up for consideration by the appellate authority.

6. In view of the above, this petition is disposed of, directing the respondent No.2 i.e., ADM, (South) - the appellate authority, to take up the appeal of the petitioner alongwith the stay application, preferably within a period of two weeks from today.

7. It is directed that till the time the appeal is taken up by the appellate authority, no coercive action shall be taken against the electricity connection of the petitioner.

8. It is clarified that continuance of interim protection granted to the petitioner shall be thereafter subject to orders to be passed by the appellate authority, if any.

9. The Appellate Authority shall consider the appeal and the stay application in accordance with law without being influenced by anything stated herein on merits.

SANJEEV SACHDEVA, J

NOVEMBER 30, 2021
NA

