
(2020) 04 DEL CK 0040

In the Delhi High Court

Case No : Civil Writ Petition No. 2976 Of 2020, Civil Miscellaneous No. 10324, 10325 Of 2020

Vipin Vig

APPELLANT

Vs

BSES Rajdhani Power Limited & Anr

RESPONDENT

Date of Decision : 20-04-2020

Acts Referred:

Citation : (2020) 04 DEL CK 0040

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Gaurav Kakar, Sunil Fernandes, Shubham Sharma

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been held by way of a video-conference.
2. The case of the Petitioner is that his electricity stands disconnected due to non-payment of dues. Mr. Kakar, Id. counsel for the Petitioner submits that his client is willing to make the payment in instalments and that he could not make the payments due to financial distress.
3. Mr. Fernandes, Id. counsel appearing for BSES Rajdhani Power Limited (hereinafter, "BSES") submits that the Petitioner had defaulted in making payments in the past and refers to the awards dated 4th February, 2020 and 28th February, 2020 passed in proceedings before the Permanent Lok Adalat-II (hereinafter, "PLA"). Id. counsel submits that even the agreed amount has not been paid by the Petitioner.
4. A perusal of the record shows that the Petitioner had chronically defaulted in making the payment of electricity dues. The first award of the PLA

dated 4th February, 2020 records the Petitioner's consent to make payment of Rs.3,76,000/- in full and final settlement of the impugned bill of Rs.

4,67,630/-, on or before 28th February, 2020. However, due to the Petitioner's default in making the said payment, the matter was again

considered by the PLA. The award was modified and the Petitioner was permitted to pay a sum of Rs.4,00,000/- as full and final settlement, on or

before 15th March, 2020. The Petitioner defaulted in making the said payment as well.

5. The defaults being admitted, under normal circumstances, the Petitioner would not have been entitled to any relief. However, after the

announcement of the lock-down, it is clear that the Petitioner's family, consisting of children and grand-children, would suffer immensely if

electricity is not restored. Considering the current lock-down situation and the fact that the Petitioner would be even unable to arrange any funds, this

Court is of the opinion that it can be quite difficult for a family to stay without electricity.

6. Accordingly, this Court extends the time for the Petitioner to make the payment of Rs. 4 lakhs, as per the following schedule:

(i) Rs.1 lakh on or before 30th April, 2020.

(ii) Rs.1 lakh on or before 30th May, 2020.

(iii) Rs.2 lakhs on or before 15th July, 2020.

7. Upon payment of the first instalment of Rs.1 lakh, Respondent No.1 shall restore the Petitioner's electricity within 48 hours of deposit.

8. If the schedule as fixed above is not adhered to, Respondent No.1 is free to disconnect the electricity and take steps to recover the complete dues,

without taking into consideration the awards passed by the PLA, in accordance with law. Regular payment of the monthly consumption charges shall

continue without any default.

9. This order shall not be treated as a precedent as it is being passed under extenuating circumstances.

10. The writ petition is disposed of in the above terms. All pending applications are also disposed of.