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

\+ LPA 91/2025, CM APPL. 7355/2025, CM APPL. 7356/2025 & CM APPL. 7357/2025

MANGLA SHREE PROPERTIES PVT LTD .....Appellant
Through: Mr. B.P. Agarwal and Mr. Ashish Mangla, Advocates.

versus

TATA POWER DELHI DISTRIBUTION LTD .....Respondent
Through: Mr. Manish Srivastava, Mr. Moksh Arora and Mr. Santosh Ramdurg, Advocates along with Mr. Amit Singh, AGM (legal).

% ***Date of Decision: 7th February, 2025***

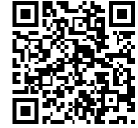
CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J.: (ORAL)

LPA 91/2025

1. Present appeal has been preferred under Clause X of the Letters Patent assailing the impugned judgement dated 18.09.2024 in W.P.(C) 8684/2017 titled *"Tata Power Delhi Distribution Ltd. vs. Mangla Shree Properties Pvt Ltd."*, whereby the learned Single Judge had allowed the writ petition filed by the respondent by quashing the direction passed by the Consumer Grievance Redressal Forum (hereinafter referred to as *"CGRF"*) to refund an amount of Rs.3,72,033/-, paid by the appellant to the



respondent for providing electricity connection in H.T. category.

2. Facts in brief are as follows:-

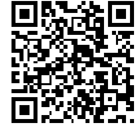
a) The respondent is a company engaged in the supply of electricity to its consumers. In 2008, the Facility Centre-1, Block-D, Delhi State Industrial And Infrastructure Development Corporation Ltd. (hereinafter referred to as *"DSIIDC"*) Narela, Delhi-11040 was allotted to the appellant and a H.T. connection was extended thereto. In pursuance of the said connection, the demand notes amounting to Rs.3,72,033/- and Rs.5,25,000/- were issued on account of estimate charges and security deposit, respectively. At the time of release of the electricity connection, the aforesaid amounts were deposited by the appellant.

b) Thereafter, the appellant applied for a reduced load i.e., L.T. connection of 60KW. Pursuant thereto, a demand note of Rs.6,66,466/- in the form of development charges was raised by the respondent for laying the L.T. network.

c) Aggrieved by the aforesaid demand of Rs.6,66,466/-, the appellant preferred a complaint before the CGRF alleging that the respondent had already paid the cost of electrification and the DSIIDC had paid the development charges.

d) *Vide* order dated 27.06.2017, the CGRF directed the respondent to refund an amount of Rs.3,72,033/- alongwith normal bank interest, paid by the appellant for providing electricity connection in H.T. category.

e) Aggrieved by the order of the CGRF, the respondent preferred the underlying writ petition. *Vide* impugned order dated 18.09.2024, the

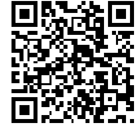


learned Single Judge set aside the order dated 27.06.2017 passed by the CGRF.

f) Hence the appellant filed the present appeal.

3. The learned counsel for the appellant has more or less addressed the same submissions which appear to have been contended before the learned Single Judge.

4. When confronted with the question as to how the appellant seeks to establish that the sum of Rs.6,66,465/- is not chargeable by the respondent, he refers to the RTI reply dated 10.08.2016, whereby the DSIIDC had to a query regarding the electrification charges which it had deposited for the entire industrial area, whereby it was informed that a total sum of Rs.11,14,09,301/- was paid from the year 1979 through till 1994. Another query relatable thereto was sought in regard to the electrification charges deposited by DSIIDC with Delhi Electric Supply Undertaking (hereinafter as *"DESU"*) for the plots within the facility centre. The DSIIDC informed that it had paid DESU for the whole area and not only for the Facility Centre. On that basis, learned counsel submitted that once the DSIIDC had clearly informed that it had paid the electrification charges to the DESU, which was the previous avatar of Tata Power Delhi Distribution Ltd. (hereinafter referred to as *"TPDDL"*), for the entire area including the facility area where the appellant was located, the question of the respondent/ TPDDL charging an exhorbitant amount to the extent of Rs.6,66,466/-, does not arise. According to learned counsel, *ex facie* this amount was not leviable/chargeable and thus, unjustified and arbitrarily imposed upon the appellant. He claims that the said amount being unjustified and contrary to the facts as revealed from the information furnished by DSIIDC, the CGRF



had rightly quashed the illegal demand.

5. Learned counsel also submits that the appellant had already paid a sum of Rs.1,21,000/- towards expenses incurred by the respondent/TPDDL on account of laying down LT cable upto the premises of the appellant on request made by the appellant. Based thereon, learned counsel submits that the sum of Rs.6,66,466/- illegally raised by the respondent/TPDDL *vide* Demand Note dated 01.09.2015, indicates that the said sum is towards Estimated Development Charges. According to learned counsel, the respondent/TPDDL cannot charge twice over for the same connection. He states that the learned Single Judge has not considered the aforesaid submissions in the correct perspective and has recorded wrong findings of facts. He prays that the impugned judgment be set aside and the order of CGRF dated 27.06.2017 be resurrected.

6. We have heard learned counsel for the appellant and examined the judgment impugned herein and the records of the case.

7. Admittedly, the appellant was extended a HT connection (175 KW) initially when it was set up at the Facility Centre-1 in the year 2008. It appears that over a period of time, on account of non-utilisation of HT connection, the Electricity Department had informed the appellant to seek LT connection on reduced load. Pursuant thereto, the appellant applied for reduced load i.e. LT connection of 60 KW. Accordingly, the respondent/TPDDL appears to have laid the LT network and raised a Demand Note of Rs.6,66,466/- on account of development charges.

8. It is clear from the aforenoted facts that the sum charged of Rs.6,66,466/- is not an arbitrary figure but on account of laying down the LT network specially for the appellant on the application seeking LT connection

of 60 KW. These charges cannot be stated to be illegal or arbitrary for the reason that these are real time charges which the respondent has incurred on account of the appellant's application seeking LT connection. The learned Single Judge was right in recording the said fact and we do not find any reason to differ from the same.

9. To the argument of learned counsel regarding charges to the extent of Rs.1,21,000/- having already been paid by the appellant towards laying down of 60 KW LT connection raised *vide* Demand Note date 24.03.2015, it is noted that a sum of Rs.90,000/- was raised on account of security deposit and a sum of Rs.31,000/- was on account of Service Line Development charges. *Ex facie*, these charges are not on account of cost incurred towards the LT network which was laid down specially for the appellant. It is obvious that the security deposit cannot be construed in any manner whatsoever, in the nature of a sum for laying down the LT network, nor is the sum charged on account of Service Line Development charges. Manifestly, both the charges, i.e., Rs.6,66,466/- and Rs.1,21,000/- are quite distinct and apart and cannot be merged into one Head. Thus, even the second submission regarding charges having already been collected, is also unmerited and we are not persuaded on that count too.

10. We concur the findings of the learned Single and dismiss the appeal with no order as to costs.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 7, 2025/*kct*