

COURT-II
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA-98 of 2016 in DFR-1534 of 2015

Dated: **18th February, 2016**

Present: **Hon'ble Mr. Justice Surendra Kumar, Judicial Member**
Hon'ble Mr. T. Munikrishnaiah, Technical Member

In the matter of:-

M/s Print Wizards **Appellant (s)**
Versus
Tata Power Delhi Distribution Ltd. & Anr. **Respondent (s)**

Counsel for the Appellant(s) : Mr. Pradeep Bajaj, Mr. Sanjay Kumar

Counsel for the Respondent(s) : Mr. Arav Kapoor and
Ms. Nayawtara Pande for R-1

Mr. Manu Seshadri
Ms. Saviba for R-2

ORDER

IA-98 of 2016 in DFR-1534 of 2015 seeking waiver of court fees by the Appellant has been heard. There is a decree of the Civil Court, vide CS No. 05/11, dated 30.8.2013, captioned as "Sh. Pradeep Bajaj vs. Sh. Sunil Garg & Ors." decided by the Additional Senior Civil Judge/JSCC (S.W), Dwarka Courts, Delhi mentioning as under:

"A decree of mandatory injunction is also passed in favour of the plaintiff and against the defendants thereby directing the defendant no.2 to install and energise a fresh electricity connection in the suit premises bearing no. A-45, Ground Floor, Naraina Industrial Area, Phase-II, New Delhi in the name of the plaintiff subject to the conditions as mentioned in the judgment. The defendants no.1 and 3 are restrained from interfering in the installation of the electricity connection."

The judgment of the Civil Court so as to enable this Appellate Tribunal to see the condition and nature of the condition imposed in the civil decree has not been filed by the Appellant. The learned counsel for the Appellant orally tries to narrate the condition prescribed therein without filing copy of the judgment. First, we will have to see the nature of the relief sought by the Appellant and then, to assess the point whether the whole court fees or some part of the court fee should be exempted, is to be decided.

Mr. Arav Kapur, learned counsel for the Respondent No.1/TPDDL wants to file his response/reply to the said IA seeking waiver of court fees and to the Appeal Memo. He prays for and is granted one week time from today to file the same after furnishing a copy on the other side.

Ms. Sahiba Ahluwalia, learned counsel appearing for the Respondent No.2/DERC submits that the required copy of the petition has not been supplied to her. The Appellant is directed to furnish the same to her within three days from today. The Appellant is, further, directed to file certified copy of the said judgment of the Civil Court within one week from today after serving copy the same on the other side.

Post this IA, being IA No. 98 of 2016 in DFR No. 1534 of 2016 for hearing on 22nd March, 2016.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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