

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

+ W.P.(C) 12403/2006

VANDANA BHATIA Petitioner
Through Ms. Gitanjali Chauhan, Advocate.

Versus

D.D.A. & ANR Respondent
Through Ms. Anjali Sharma, Advocate for
BSES
Ms.Sangeeta Chandra, Advocate for DDA.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
04.04.2008

1. Possession of the flat was handed over to the petitioner by DDA on 20th June, 2006. The respondent-Distcom however, refused to grant electricity connection till payment of Rs.52,438.34p towards dues prior to 20th June, 2006.
2. Earlier, the flat was occupied by Mr.S.S.Bhattacharya, who had vacated the flat on 21st August, 1999. Before accepting surrender, Mr.S.S.Bhattacharya was asked to get clearance and pay electricity bills. It is an admitted case of the respondent-distcom that a final bill dated 30th June, 1999 for Rs.8366.58 was issued to Mr.S.S. Bhattacharya and the same stands paid.

3. The question which arise for consideration is whether respondent-distcom can raise any further demand from Mr.S.S. Bhattacharya or from DDA after the final bill had been issued and paid. It is the admitted case that the respondent-distcom raised demand of Rs.52,438.28 towards electricity charges against Mr.S.S.Bhattacharya, after the final bill dated 30th June, 1999 was issued. This additional demand is claimed without giving show cause notice and without hearing DDA or Mr.S.S.Bhattacharya. It is the case of the respondent-DDA that before Mr.S.S. Bhattacharya had surrendered possession, he was asked to obtain and make payment of the final bill, so that DDA is not burdened with any liability on account of electricity dues.
4. Accordingly, it is directed that the respondent-distcom will refund Rs.27,000/- paid by DDA to them within a period of 15 days. Learned counsel for the respondent-DDA has handed over latest address of Mr.S.S.Bhattacharya available with them to the learned counsel for the respondent-distcom. Liberty is granted to the respondent-distcom to claim arrears from Mr.S.S. Bhattacharya or from DDA in accordance with law, after issue of show cause notice and hearing them.
5. However, on this account, the petitioner will not be denied electricity connection. Petitioner will approach respondent-distcom on 10th April, 2008 at 2.00 p.m. and comply with all formalities and thereafter

electricity connection will be granted within a period of one week thereafter.

6. Accordingly, the writ petition is disposed of.

DASTI.

SANJIV KHANNA, J.

APRIL 04, 2008

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