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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.M. (Main) No.1504 of 2009

25.03.2010

MOHD. HANEEF

.....Petitioner

Through: Mr. Shamim A. Khan, Advocate.

Versus

SMT. RASHIDAN

.....Respondent

Through: Mr. Ramesh Kumar, Advocate.

Date of Reserve: 12th March, 2010

Date of Order: 25th March, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. The petitioner gave an undertaking to the court of Additional Rent Controller on 7th February, 2008 that he shall pay electricity and water charges as per consumption and as per reading in the meter. He will get a sub-meter installed for electricity and water within one week at his own expense. After giving this statement in the court, he withdrew the suit. The respondent had also given a statement that he had no objection if the petitioner gets a sub-meter installed and directly makes the payment for consumption of water and electricity to the Department without prejudice to the rights of the parties.

2. Electricity of the premises was thereafter disconnected because of non-payment of dues and the petitioner then approached Additional Rent Controller under Section 45 (3) of Delhi Rent Control Act seeking a direction for the landlord to get the electricity and water supply reconnected. Learned Additional Rent Controller observed that it was the petitioner himself who had given an undertaking to the court that he would pay electricity

and water dues as per consumption and as per reading of sub-meter directly to the Department concerned. The petitioner's averment that he had sent money order charges to the respondent was also found false as nothing was placed on record to show that money order was sent. Learned Additional Rent Controller, therefore, dismissed the application under Section 45 (3) of Delhi Rent Control Act.

3. An appeal filed by the petitioner was dismissed by order dated 13th October, 2009 on the ground that it was barred by limitation. An application made by the petitioner under Section 5 of the Limitation Act was also dismissed observing that the petitioner had not disclosed sufficient cause which prevented him from filing the appeal within period of limitation.

4. Counsel for the petitioner submitted that the undertaking given by the petitioner was vague and the petitioner could not have got sub-meter installed since he was a tenant. He submitted that it was the responsibility of the landlord to keep the electricity and water supply running in the premises and keep paying the charges even if petitioner had not paid the consumption charges for water and electricity.

5. The respondent counsel submitted that petitioner not only did not pay charges for consumption resulting into disconnection of electricity but also indulged into direct theft of electricity for which a theft bill was likely to be served on the landlord/respondent. He submitted that the landlord cannot be saddened with the responsibility of providing electricity and water to the tenant, who does not want to pay the charges for electricity and water consumed despite giving an undertaking to the court.

6. Considering the facts that the petitioner failed to comply with the undertaking; did not get sub-meter installed and did not make payment of the charges of electricity and water consumed, I find no reason to entertain this petition. The petition is hereby dismissed.

SHIV NARAYAN DHINGRA J.

MARCH 25, 2010
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