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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 403/2011

JAMIL KHAN

..... Petitioner

Through : Mr. K. Venkataraman, Adv.

versus

KRISHNA TANEJA

..... Respondent

Through : Mr. Sunil Fernandes, Adv. for BSES.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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01.11.2011

1. Counsel for the petitioner states that he be permitted to amend the memo of parties by impleading BSES, as the said discom is a necessary and proper party in the present proceedings. Leave, as prayed for, is granted. Amended memo of parties be filed in the course of the day, with an advance copy to the other side.

2. Mr. Sunil Fernandes, Advocate enters appearance on behalf of respondent No.2/BSES and states that his client does not oppose the prayer made by the petitioner for the grant of an independent electricity connection at the premises occupied by him at House

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physical file have been compared and
the digital data is as per the physical
file and no page is missing.

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No.WZ-143-A/3B, Gali No.7 (Entry Gali No.8), New Mahavir Nagar, New Delhi, where he is stated to be residing as a tenant under respondent No.1/landlady on part of the ground floor .

3. A perusal of the order sheets shows that appearance was entered on behalf of respondent No.1 on 13.7.2011, however none has appeared for the said respondent thereafter, nor is she present in Court.

4. The present contempt petition is filed by the petitioner stating *inter alia* that respondent No.1/landlady is in contempt of the order dated 20.4.2011 passed in C.M(M) No.558/2010, whereunder she was directed to give a no objection to enable the petitioner to obtain a new electricity connection in respect of his part of the subject premises, which is one room located on the ground floor. The said no objection was to be issued by respondent No.1/landlady upon the petitioner showing that he had cleared the entire outstanding dues in respect of the existing electricity connection.

5. It is submitted by the counsel for the petitioner that after passing of the aforesaid order, his client approached respondent No.2/ BSES and cleared the entire dues, whereafter a No Dues Certificate had been issued by respondent No.2/ BSES on 1.8.2011 (Annexure CP-B, enclosed with the additional affidavit dated 2.8.2011). It is

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submitted that despite the fact that the petitioner approached respondent No.1/landlady with the aforesaid No Dues Certificate issued by respondent No.2/BSES, she has not complied with the directions as contained in the order dated 20.4.2011; hence the present petition.

6. Counsel for respondent No.2/BSES confirms the fact that a No Dues Certificate has been issued by the department in respect of the existing electricity connection at the subject premises and states that he has no objection to the present petition being allowed, subject to usual conditions imposed in such matters, to which counsel for the petitioner has no objection.

7. Accordingly, the present petition is disposed of with the following directions:-

1. The petitioner shall submit an application along with all the relevant documents, for grant of fresh electricity connection in his name at the premises under his occupation with respondent No.2. The said application shall be entertained by respondent No.2 without insisting on a No Objection Certificate from respondent No.1.
2. In addition to other charges, the petitioner shall also deposit six months' security deposit based on the past consumption pattern. The said amount will be calculated by respondent No.2 and intimated to the petitioner within one week from the date of receiving the application for a fresh electricity connection from the petitioner.

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3. The petitioner shall pay the monthly charges of electricity consumption to respondent No.2 regularly. The security charges shall not be adjusted against payment of current dues. The security amount shall be refunded to the petitioner without interest as and when the petitioner vacates the premises, subject matter of the writ petition, subject to adjustment, if any, on account of arrears.
 4. It is made clear that in case, the petitioner fails to pay the current dues, respondent No.2 shall be entitled to disconnect the electricity connection as per law. It is further made clear that respondent No.1/landlady shall not be liable or responsible to pay the current electricity charges of the new meter, which shall be installed in the premises in the name of the petitioner.
 5. The petitioner will give full particulars of his bank account and his permanent address to respondent No.2 along with, the application.

8. In view of the aforesaid order, counsel for the petitioner states that he has no further grievance and would not like to press the present contempt petition.

Notice of contempt is discharged. The petition is disposed of.



HIMA KOHLI,J

NOVEMBER 01, 2011
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