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

+ W.P.(C) 6574/2016

MANAK CHAND

..... Petitioner

Through Mr.Kali Charan, Advocate.

versus

THE CHIEF SECRETARY GNCT OF DELHI AND ANR

..... Respondents

Through Mr.Sunil Fernandes with Mr.Deepak
Pathak and Ms.Mansi Brar Fernandes,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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29.07.2016

Present writ petition has been filed seeking a direction to respondent-BSES to provide new domestic electricity connection at petitioner's premises no. 1/1932-B, Gali No. 25, Ram Nagar, Modern Shahdara, Delhi.

It has been averred in the petition that on 18th March, 2011 petitioner applied for an electricity connection, but the respondents have not provided electricity connection to the petitioner till date and he is residing without electricity.

Learned counsel for petitioner relies upon Section 43 of the Electricity Act, 2003 to submit that every owner/occupier's application seeking electricity connection has to be processed within one month.

A perusal of the reply to the legal notice sent by the petitioner reveals that it is the case of the respondents that complete chain of papers of the property in question had not been produced by the petitioner. It is also the case of the respondent/DISCOM that the father of the petitioner who is the actual owner of the property does not want a new electricity connection.

Keeping in view the aforesaid averments in the reply to the legal notice, it is apparent that there is a dispute with regard to the ownership and occupation of the premises in question.

Since disputed questions of facts cannot be adjudicated in a writ petition, no relief can be granted in the present proceedings. Consequently, the writ petition is dismissed. However, the petitioner is given liberty to file an appropriate proceeding in accordance with law. This Court clarifies that it has not expressed any opinion on the merits of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

JULY 29, 2016

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