

\$~12

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

+ W.P.(C) No. 9030/2015 & CMs No.20434/2015 (for interim directions) & 24411/2015 (for directions).

LAYMEN'S EVANGELICAL FELLOWSHIP Petitioner
Through: Mr. Arun Saxena and Ms. Nalini,
Advs.

Versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through: Ms. Malvika Trivedi and Mr. Jitendra
Kr. Tripathi, Advs. for NDMC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **28.01.2016**

1. This order is in continuation of the earlier order dated 15th January, 2016.
2. The counsel for the respondent New Delhi Municipal Council (NDMC) has handed over in Court the relevant Rules and which are as under:-

“19. Temporary Supply

Temporary supply shall be given for short-term requirements such as marriages, religious functions, construction activities, exhibitions, cultural functions, etc. The Licensee shall deal with the application for temporary supply as follows:

- i. *The applicant shall make request for temporary supply in the format prescribed in ANNEXE-II to these Regulations or as approved by the Commission from time to time.*

- ii. *The Licensee shall issue dated receipt of the request to the applicant. Any deficiencies in the application shall be got corrected immediately at the time of receipt of application. The application shall be considered to be accepted on removal of such deficiencies.*
- iii. *The Licensee shall examine the technical feasibility of the connection requested for and if found feasible shall sanction the load and raise a demand note in accordance with the provisions of the regulations within two days of acceptance of application. If the connection is not found technically feasible, it shall intimate to the applicant in writing within three days of acceptance of application giving reason for the same. No connection upto 10 kw shall be rejected on the technical grounds.*
- iv. *The applicant shall make the payment in accordance with the demand note within two days of receipt of demand note failing which the sanction shall stand lapsed. Also Licensee may, at the request of applicant, accept payment at the time of making application which shall be received on account and subject to completion of all commercial formalities.*
- v. *After payment of applicable charges, the Licensee shall energise the connection in accordance with the date indicated in the application.*
- vi. *If there are dues on the premises, temporary connection can be refused till the dues are paid by the consumer.*
- vii. *Temporary connection shall be granted for a period of upto three months at a time, which can be further extend depending upon the requirement.*
- viii. *The grant of temporary connection does not create a right in favour of the applicant for claiming a permanent connection, which should be governed by Regulations 15 and 16 for providing new connection.”*

3. The counsel for the respondent NDMC further states that the mutation in favour of the petitioner of the subject property is held up for the reason of there being House Tax dues with respect to the entire property and the petitioner is liable to pay proportionate House Tax dues of the portion of the property purchased by it.

4. The counsel for the petitioner states that in the hearing held on 18th January, 2016 in this context, the respondent NDMC has assured that it will compute the House Tax dues proportionate to the portion of the property purchased by the petitioner and intimate the same to the petitioner and that the petitioner, without prejudice of its rights and contention to recover the same from the seller etc., is agreeable to pay the same. He further states that the petitioner, for security of the vacant land with a temporary construction of one room, is required to have a *Chowkidar* thereon who is facing inconvenience without temporary electricity and water connections.

5. On the assurance of the counsel for the petitioner that the petitioner shall pay the proportionate House Tax dues as communicated to the petitioner by the respondent NDMC, it is deemed appropriate to extend the facility of temporary electricity and water connections to the aforesaid portion of the property for a further period of three months only. The petitioner is expected to within the said three months have the House Tax dues of its share computed, to pay the same and have the portion of the property mutated in its name and obtain a permanent electricity connection with respect thereto.

6. Accordingly, subject to the petitioner applying afresh for a temporary electricity/water connection with respect to the portion *ad measuring* 1500 sq. yds. of plot 4A, Block-88, Doctor's Lane, Gole Market, New Delhi and complying with all formalities therefor, the respondent NDMC shall sanction a temporary electricity and water connections therefor for a period of three months only. It is made clear that the petitioner shall not be entitled to get any further extension.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J.

JANUARY 28, 2016

‘pp’..