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

+ CM(M) 1210/2015

TATA POWER DELHI DISTRIBUTION LIMITED..... Petitioner
Through Mr.Manish Kumar Srivastava, Adv.

versus

JAI RAM & ANR Respondent
Through Mr.Sunil Kumar, Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
19.09.2016

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1. By the present petition the petitioner seeks to challenge the order dated 12.10.2015. The petition was filed by respondent No.1 against respondent No.2 under Section 45 of the Delhi Rent Control Act,1958 seeking a direction to respondent No.2 to restore electricity and water supply of respondent No.1.
2. The petitioner herein is the electricity distribution company for the area in question. It is aggrieved by the order dated 12.10.2015 passed by the trial court directing the said petitioner to ensure restoration of the sub-meter to respondent No.1 upon clearance of dues.
3. Learned counsel appearing for the petitioner submits that the petitioner is not a party to the petition filed by respondent No.1 and that no direction could be issued to the petitioner. He further submits that from a perusal of the plaint and the averment it appears that respondent No.1 who is tenant of respondent No.2 was receiving electricity from respondent No.2

through sub-meter. There seems to have been supplying of electricity through the arrangement of sub-meter between the respondents and the petitioner has nothing to do with that and the petitioner do not provide connection through sub-meters.

4. Learned counsel appearing for respondent No.1 submits that he is only concerned with electricity connection and he has already made an application to the petitioner for an independent electricity connection. Learned counsel for the petitioner has accepted that the supply has been sanctioned and though an attempt was made to connect the connection in favour of respondent No.1, same was physically objected to by respondent No.2.

5. The impugned order is erroneous as the court could not direct legitimising a sub-meter. There is no concept for sub-meter. Such meters are installed without any sanction or consent of the Electricity Distribution Companies. Accordingly the impugned order is set aside.

6. Respondent No.1/tenant is only concerned with his electricity connection. The petitioner is hence free to supply electricity through an independent connection in favour of respondent No.1, without prejudice to the rights and contentions of the parties.

7. Learned counsel appearing for respondent No.1 submits that respondent No.1 on a pro rata basis of pending electricity dues for the whole premises has already deposited Rs.16,250/- and that it is on this deposit he submits that the petitioner should release electricity connection in favour of the respondent No.1. This amount, however, was returned to the respondent No.1. Learned counsel for the petitioner has no objection on the amount stated by respondent No.1 provided the said amount is deposited with the

petitioner. Needful be done by respondent No.1 within one week from today.

8. In case respondent No.1 completes all the formalities the petitioner may install the electricity supply. Respondent No.2 is restrained from interfering in installation of any such connection. Respondent No.2 shall also co-operate and ensure that independent electricity connection in favour of respondent No.1 is connected. He shall also complete all necessary paperwork in this regard.

9. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

SEPTEMBER 19, 2016

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