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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1762/2017

HANSRAJ MIGLANI

..... Petitioner

Through: Mr. B.P. Agarwal, Advocate.

versus

TATA POWER DELHI

DISTRIBUTION LTD AND ANR

..... Respondents

Through: Mr. Manish Srivastava, Advocate with
Mr. Aditya Gupta, Advocate for
TPDDL.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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27.02.2017

CM Appl. 7828/2017 (exemption) in W.P.(C) 1762/2017

Allowed, subject to just exceptions.

W.P.(C) 1762/2017 & CM Appl. 7827/2017

Present writ petition has been filed challenging the orders dated 27th January, 2016 and 09th June, 2016 passed by the CGRF and Ombudsman dismissing the cases filed by the petitioner seeking disconnection of electricity connections of tenants of respondent No.2 and for their conversion to prepaid from post paid on the ground that in the event the tenants vacate the property without paying their dues, the petitioner would be held liable to pay as the connections are in the name of the petitioner.

The Ombudsman has also held in its order that neither any fresh

connection nor any application for increase in load should be entertained till the suit for partition between the petitioner and respondent No.3 is decided.

In the opinion of this Court, the proceedings initiated by the petitioner before the CGRF and Ombudsman were entirely misconceived as the primary cause of the dispute is with regard to title of the property which is pending adjudication before the civil Court in a suit for partition being CS(OS) 862/2006.

In any event, the tenants of respondent No.2 were neither parties before the CGRF, Ombudsman nor before this Court.

Consequently, this Court is of the view that the petitioner can seek appropriate relief/protection against respondent No.2 in the partition suit that is already pending adjudication.

With the aforesaid observations, present petition and application are disposed of.

However, it is clarified that the impugned orders would not come in the way of the civil Court or respondent No.1 in deciding the application for fresh electricity connection or for increase of the load if the same is filed in accordance with law.

MANMOHAN, J

FEBRUARY 27, 2017

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