

\$~22

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

Judgment pronounced on 10<sup>th</sup> October, 2017

+ W.P.(C) 1790/2015

YASHODA

..... Petitioner

Through Mr. Ashutosh Lohia, Ms. Pragya  
Sriastava and Mr. Armaan Grover,  
Advs.

versus

TATA POWER DELHI DISTRIBUTION LIMITED

..... Respondent

Through Mr. Manish Srivastava and Mr. Harsh  
Prakash, Advs. for TPDDL/R-1.  
Mr. Ajjay Aroraa, Adv. for NDMC.

**CORAM:**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**JUDGMENT**

**A. K. CHAWLA, J. (ORAL)**

Petitioner, who is resident of Khasra no. 14/15, Bhagat Colony, A-2 Block, West Sant Nagar, Burari, Delhi -110084 in short 'the subject premises', seeks issuance of a Writ of Mandamus to the respondent-TPDDL for installation of a permanent electricity connection.

2. It is the case of the petitioner that the petitioner is the owner of the 'the subject premises' and a temporary electricity connection for residential purposes was provided at the time of beginning of construction on 5.12.2012 and that, though, on 5.10.2013, the

petitioner applied for a permanent electricity connection for residential purposes with a load of 2 KW for domestic light vide CA No. 60017382254 and notification no. 2005880065, having paid the demanded amount on 22.10.2013, on 27.3.2017, it came to be intimated through SMS and email that her request for permanent electricity connection has been cancelled, on the ground of space constraints. On this, the petitioner approached Consumer Redressal Grievance Forum for TPDDL, Model Town, Delhi. On this, an order dated 15.7.2014 to explore the feasibility of installation of 16 KVA HDVS transformer and the feasibility of conversion of the existing temporary connection into permanent, is said to have been passed by the said Forum. In pursuance thereof, on an inspection carried out, it emerged that the transfer provided in the area was overloaded and there was no network in the consumer lane. On the basis of such report, the respondent, possibly, threatened disconnection of the electricity connection provided to the petitioner. This resulted into filing of the instant petition.

3. It is the case of the petitioner that in the same locality, the respondent company has provided new permanent electricity connections to others. To support such plea, instances of CA no. 60018129175 EN/IN-5001796646 at Khasra No. 122/18/1, Upper Ground floor, Bhagat Colony in the name of Inder Mohan and CA no. 60018515068 at Khasra no. 122/18/1, Bhagat Colony, are given. The petitioner thus, prays for the relief sought in the petition.

In the counter affidavit, the plea taken by respondent-TPDDL is that the orders and directions of CGRF stand fully complied with and

that, the amounts deposited by the petitioner for the subject electricity connection stands refunded, and that, the premise of the petitioner was approximately 400-450 mtrs. away from the transformer (630 KVA), which was already overloaded and there was no network in the consumer's lane.

4. During the course of hearing, it is conceded to on behalf of the respondent-TPDDL that since the year 2012, the electricity connections of 2 K W continues to remain provided in the 'subject premises' of the petitioner, though, it is temporary.

An additional affidavit filed by the petitioner during the course of proceedings, which is not refuted to, shows that the respondent-TPDDL has granted several other connections in the neighbourhood. Copies of the electricity bills of the other consumers have come to be filed alongwith the said affidavit. Thus, there cannot be denial of the fact that in the area, which according to the respondent-TPDDL has not yet been electrified, permanent electricity connections have come to be provided in the other properties in the vicinity. In the given situation, why the petitioner is discriminated, cannot be understood. More so, for the reason, an electricity connection continues to be provided to the petitioner and the Id. Counsel for the petitioner, during the course of hearing, submits that the petitioner does not press for electricity load beyond 2 KW, which load, the petitioner is enjoying for the last almost five years. It does not require any elaboration that a temporary connection invites excess charges than leviabale against a permanent connection. It is another circumstance

of discrimination. During the course of hearing, Mr. Srivastava, Id. Counsel for the respondent-TPDDL has submitted that the respondent- TPDDL is in the process of conducting a survey in the area, which includes the 'subject premises' and a scheme is likely to be formulated for providing permanent solution for the supply of electricity in the area.

5. In view of the peculiar facts and circumstances, the respondent-TPDDL is directed to process the application of the petitioner for installation of a permanent electricity connection of 2 KW for domestic purposes, within four weeks of the application being made for the purpose as per norms and fulfillment of commercial formalities of the respondent-TPDDL. In the event, the amount deposited by the petitioner for seeking permanent electricity connection on 5.10.2013 is not yet refunded, the respondent-TPDDL shall give adjustment thereof, on the application being made by the petitioner. Petition and the pending application disposed off accordingly.

**A. K. CHAWLA, J**

**OCTOBER 10, 2017**

*rc*