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

+ **W.P.(C) 5557/2017 & CM APPL. 23351/2017**

VIRENDER KUMAR GUPTA Petitioner
Through **Mr. Vinod Kumar, Adv.**

versus

BSES YAMUNA POWER LIMITED AND ORS Respondents
Through **Mr. Deepak Kumar Vijay, Adv.** for
R-1 & R-2.
Ms. Pooja, Sarwal, Adv. for R-3 and
R-4.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **25.09.2017**

By the petition, the petitioner seeks directions to respondent nos. 1 and 2 to restore the meter and the electricity supply of meter no. 35161696, CA No.151881197. During the course of hearing, ld. counsel for the respondent nos. 1 and 2 submits that the subject electricity connection came to be disconnected, as the respondent no.4 as an owner, sought disconnection. In the affidavit filed by the respondent no.4, it is stated, as follows :

“2. That on 30.05.2003 father-in-law of the deponent had transferred the ownership of the above said property in the name of Sh. Ramesh Chad Gupta through deed of will vide registration 10804 registered with the sub-Registrar IV Seelam Pur Delhi.

3. That father-in-law of the deponent had expired on 23.05.2013.

4. That on 20.05.2017 deponent transferred the said

property in the name deponent through GPA, Memorandum, Gift possession, letter Will Deed.

5. That several times petitioners was asked to vacate the property in question but he is not vacating the property in question and he filed the present petition with malafide intention.

6. That the petitioner has been residing in the property in question, as trespasser and he has no right to take separate electricity connection in the property in question and he has no right in the said property nor he has filed any titled documents with petition.

7. That the petitioner was using the electricity connection for the purpose other than he was permissible and the petitioner is unlawful occupant in the premises.”

From the above-said deposition of respondent no.4 and what is stated on behalf of the respondent no.1, it is clear that the subject electricity connection was lying installed, but, it came to be disconnected, only, on the instructions of the respondent no.4. According to respondent no.3, he sought disconnection as, according to respondent no.4, the petitioner was an unlawful occupant and using the electricity connection for a purpose other than it was permissible. Whether the petitioner was an unlawful occupant and using the electricity connection for a purpose other than it was permissible, is however, not the reason for disconnection of the electricity connection. Be that as it may, whether the respondent no.3 is the actual owner and/or the electricity connection is being used for a purpose other than for which it was provided, does not require to be gone into, in the instant proceedings. The fact that aforesaid connection was provided and the electricity was being availed of by the petitioner, the disconnection thereof, on the mere asking of the respondent no.3, who claims to be the owner, is not just and proper.

Suffice to say, for adjudication of any lawful rights of the parties, the parties are at liberty to avail the remedies, as permissible under law. During the course of hearing, it was queried as to what has been the average of the electricity charges and it comes to be stated that the electricity meter was of 2 k.w. and the monthly charges, on an average, were Rs.500/- per month or so. In view of such meagre consumption of electricity to impose conditions to safeguard the interest of respondent no.3 and 4 as regards any financial liability, would be uncalled for.

In view of the foregoing, the respondent no.1 is directed to restore the subject electricity connection within two days of the petitioner completing the required formalities. Petition stands disposed off accordingly.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

SEPTEMBER 25, 2017

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