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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4978/2018, CM No. 19212/2018

NAWAL SANAN

..... Petitioner

Through: Mr. Nikhil Malhotra, Adv. with
petitioner in person.

versus

BSES RAJDHANI POWER LIMITED & ORS Respondents

Through: Mr. Sunil Fernandes, Standing
Counsel for BSES RPL with Mr.
Arnav Vidyarthi and Ms. Anju
Thoma, Advs. for R1
Ms. Tarun Narula, Adv. for R2
Mr. Rohit K. Nagpal and
Mr. Anuj Yadav, Advs. for R3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2018

1. The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, prayed that the respondents No.1 and 2 may please be directed to immediately restore the electricity supply of the subject property in the interest of justice and fair play. It is, further prayed that the respondent No.1 and 2 be directed to install / provide a new electricity connection in the name of the petitioner in the interest of justice and fair play. It is, further prayed that the respondents may please be burdened with exemplary costs for the above illegal and inhuman acts of omission and commission. Any other or further relief which this Hon’ble Court may deem

fit and proper may also be granted in favour of the petitioner and against the respondents.”

2. The respondent No.3 has been served and is represented by Mr. Rohit K. Nagpal.
3. Mr. Rohit K. Nagpal, learned counsel appearing for the respondent No.3 challenges the maintainability of the petition on the ground that the relationship between the petitioner and the respondent No.3 being of a tenant and land lord the same is regulated by the provisions of the Delhi Rent Control Act, 1958 and under the said Act in terms of Section 45, in the eventuality electricity has been disconnected by the land lord, the petitioner being a tenant need to file an application for restoration of the same.
4. According to him, there are justifiable reasons for the respondent No.3 to disconnect the electricity.
5. On the other hand, learned counsel for the petitioner states, in terms of the provisions of Section 43 of the Electricity Act 2003, it was obligatory on the part of the respondent No.3 to supply electricity to the petitioner and the same cannot be disconnected for any reasons whatsoever. He concedes to the fact that he is a tenant as of date of the respondent No.3.
6. If that be so, surely the relationship between petitioner and the

respondent No.3 is regulated by the provisions of Delhi Rent Control Act, 1958. This Court deems it appropriate to relegate the parties to the appropriate Court under Section 45 of the Delhi Rent Control Act. The petitioner shall file petition under Section 45 of the Delhi Rent Control Act, along with an application for stay / direction for restoration of the electricity connection. Till a decision on the said application for direction by the Court concerned is given, the respondent No.1 shall restore the electricity connection forthwith.

7. It is made clear the Court concerned shall hear the application for direction denovo without being influenced by the order passed by this Court directing the respondent No.1 to restore the electricity.

8. Suffice to state, the aforesaid is without prejudice to the rights and contentions of the parties. The learned counsel for the petitioner and the respondent No.3 state, in view of this order the petition be disposed of. Ordered accordingly.

CM No. 19212/2018

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

MAY 22, 2018/aky