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

+ W.P.(C) 7875/2018

KELA DEVI

..... Petitioner

Through: Mr Akhilesh Kumar Pandey,
Advocate alongwith petitioner in
person.

versus

BSES & ORS

..... Respondents

Through: Mr Sunil Fernandes and Mr A.
Vidhyarthi, Advocates for R-1.
Ms Nandita Rao, ASC, DJB/R-2.
Ms Kirti Parmar, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.09.2018

1. The petitioner has filed the present petition, *inter alia*, praying that respondent nos.1 & 2 be directed to provide electricity and water connection to the premises occupied by the petitioner. The petitioner claims to be the tenant in the property bearing no.21, Pocket-G, Gautam Nagar, Delhi (hereafter 'the Property'). The petitioner states that she is occupying the said premises since the year 1970 as a tenant. Apparently, there are certain disputes between the petitioner and the owner of the Property. It is stated that the Property was owned by Shri Dhan Singh, who has since expired. His legal heirs, who are now the owners of the Property are not willing to cooperate with the petitioner by issuing the necessary No Objection

Certificate (NOC) to enable the petitioner to obtain the necessary water and electricity connection.

2. In the aforesaid context, the petitioner had also filed an application under Section 45 of the Delhi Rent Control Act, 1958 before the Rent Controller. The Rent Controller dismissed the said application by an order dated 19.07.2015, as it was not the petitioner's case that the landlord had cut supply for the utilities; the landlord had not provided the said utilities at the initial stage itself.

3. The learned counsel appearing for respondent no.3 states that apart from Shri Bhagwan Dass Saini (whom she represents) there are other legal heirs of Shri Dhan Singh, who are not parties to the present petition. She further states that the petitioner has also stopped paying rent and is continuing to occupy the said premises without paying the rent.

4. The learned counsel appearing for respondent nos.1 and 2 state that the electricity and water connection can be provided to the petitioner provided she completes all other commercial formalities. They also state that the same would entail making the necessary deposits and charges for the water and electricity connections. Admittedly, the provision for requiring the NOC from a landlord is only to ensure that the person who is in occupation of the premises, is not a trespasser.

5. In the present case, the learned counsel for respondent no.3 does not dispute that the petitioner is in occupation of the Property; her client's grievance is that the petitioner is occupying the premises without paying the rent.

6. Plainly, respondent no.3 or other legal heirs of Shri Dhan Singh can

have no reasonable objection for the petitioner obtaining the connection for the utilities. Accordingly, the present petition is allowed. Respondent nos.1 and 2 shall provide the electricity and water connection to the petitioner, on the petitioner paying the necessary charges and completing all commercial formalities. The petitioner is also present in the Court and undertakes that she will pay all the charges for usage of the water and electricity.

7. It is also clarified that the provision of such utilities shall not preclude the landlords – respondent no.3 and other legal heirs of Shri Dhan Singh – from availing their remedies. This order shall not be construed as creating or recognising any rights in respect of the Property, in favour of the petitioner.

8. The petition is disposed of.

VIBHU BAKHRU, J

SEPTEMBER 18, 2018
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