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

+ **W.P.(C) 4473/2017 & CM No.24035/2017**

KULJEET KAUR

..... Petitioner

Through Ms Kiran Singh, Mr Amit Kr Nagar,
Advocates.

versus

THE STATE (NCT OF DELHI) AND ORS Respondents

Through Mr Kaustubh Anshuraj, Mr Pankaj
Mehta, Mr Harshit Agarwal, Advocates for R-1.
Mr Sunil Fernandes, Mr Arnav
Vidyarthi, Advocates for BSES/R2 and R3.

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 as under:-

“a) Issue a writ in the nature of mandamus or any other appropriate writ by directing the respondent No.2 and respondent No.3 to install the new electricity meter in the name of petitioner at premises No.27/6, 2nd Floor, East Patel Nagar, New Delhi; or

b) Issue direction to the respondent No.2 & 3 to restore/temporary electricity connection at the second floor of premises No.27/6, 2nd Floor, East Patel Nagar, New Delhi;”

2. The petitioner states that the property bearing no. 27/6 East Patel Nagar, New Delhi (hereafter ‘the property’) belonged to the petitioner’s

mother-in-law Smt. Ram Kaur, who expired sometime in the year 2005. It is stated that after the demise of Smt Ram Kaur, respondent no.4 – who is the brother-in-law of the petitioner – transferred the electricity connection in his own name. The petitioner further claims that thereafter, respondent no.4 used to pay the electricity bills directly to the service provider and the petitioner would contribute her share in cash.

3. The petitioner resides on the second floor of the property in question. She states that on 06.05.2017 respondent no.4 disconnected the electricity supply to the petitioner on the ground that the electricity meter belonged to him. The petitioner also made complaints to the P.S. Patel Nagar, however, this was to no avail. Thereafter, the petitioner requested for installation of a new electricity meter in her name, however, respondent no.4 has declined to give a NOC (No Objection Certificate) in this regard.

4. It is the case of the respondent no.4 that the petitioner has no right, title or interest in the property in question. Respondent no.4 has also filed an affidavit affirming that the property in question belonged to Smt Ram Kaur (the mother of the respondent no.4 and the mother-in-law of the petitioner). He states that Smt Ram Kaur had executed the sale deed with regard to the 50% of the property in favour of the respondent no.4. Thereafter, Smt Ram Kaur also executed a release deed for consideration in favour of respondent no.4. In short, the respondent no.4 claims to be the owner of the entire property.

5. It is stated that the respondent no.4 has also filed a civil suit for evicting the petitioner from the second floor of the property. The petitioner has also filed a counter claim challenging the sale deed relied upon by the respondent no.4 (*C.S. 1139/2017* captioned ***Jagmohan v. Kuljeet Kaur &***

Ors.). The said suit is pending consideration before the District Court, Central District.

6. The learned counsel appearing for respondent no.4 stated that respondent has already provided a sub-meter to the petitioner and, therefore, the petitioner's grievance stands redressed. The learned counsel for the petitioner submits that exorbitant charges are being demanded from the petitioner; whereas her consumption is barely a few hundred rupees, respondent no. 4 now claims over two thousand five hundred for the same.

7. Without examining the aforesaid controversy, this Court had pointedly asked from the learned counsel for respondent no.4 as to what possible objection could respondent no.4 have for the petitioner to avail a new connection on her own costs? He stated that the same was being done by the petitioner to create rights in the property in question where none existed. He also submitted that respondent no.4 apprehends that any order passed by this Court directing provision of the electricity connection to the petitioner would give an impression that this Court has accepted her right in the property.

8. The issues before this Court are very limited. Undisputedly, the occupant of a premises would have the right to avail service of the essential utilities. The petitioner is desirous of obtaining a separate electricity connection on her costs and this Court finds no reason why that should not be provided. The learned counsel appearing for respondent no.2 (BSES) also submits that BSES would have no objection in providing an electricity connection provided the petitioner comply with all commercial formalities and, further, undertakes to pay the security charges as well as the electricity consumption charges on a regular basis.

9. In view of the above, the present petition is allowed. BSES is directed to provide an electricity connection to the petitioner on the second floor of the premises in question. The petitioner shall deposit the security charges as well as pay the regular consumption charges to BSES.

10. It is clarified that provision of such electricity connection would not be construed as creating any right/interest whatsoever in respect of the property in question, in favour of the petitioner. It is also further, clarified that nothing stated in this order would preclude either parties from agitating their claims of right, title or interest in the property in question.

11. The petition is disposed of with the aforesaid clarifications. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 18, 2018

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