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

Date of Decision: 26.09.2018

+ LPA 551/2018

JAGMOHAN SINGH Appellant

Through: Mr. N.S. Dalal, Adv.

versus

KULJEET KAUR & ORS Respondents

Through: Mr. Kiran Singh, Adv. for R-1

Mr. Kaustubh Anshuraj, Adv. for R-2

Mr. Sunil Fernandes with Mr. Arnav
Vidyarthi, Advs. for R-3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPL. 39638/2018 (*exemption*)

Allowed, subject to just exceptions.

The application stands disposed of.

LPA No.551/2018 & CM APPL. 39639/2018 (*Stay*)

1. Seeking exception to an order passed by the learned writ Court on 18.09.2018 in W.P.(C) 4473/2017, granting electricity connection to the respondent in the premises in question, this appeal has been filed under Clause 10 of the Letters Patent.

2. Respondent, Kuljeet Kaur, filed the writ petition with the following two prayers:

“(i) *Set-aside the impugned Order dated 18.09.2018 passed by the Ld. Single Judge in Writ Petition (Civil) No.4473 of 2017 titled as “Kuljeet Kaur Vs. State & Others”;*

(ii) Dismiss the Writ petition (Civil) No.4473 of 2017 titled as “Kuljeet Kaur Vs. State & Others”.”

3. With regard to the property in question, i.e. 27/6, East Patel Nagar, New Delhi, it seems that various litigations are pending between the parties. However, finding that mere grant of electricity connection to the respondent will not prejudice the right or interest of the petitioner/appellant with regard to the property in question, the learned writ Court allowed the prayer and from para 7 onwards of the impugned order dealt with the issue in the following manner:

“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.”

4. From the aforesaid it is clear that the apprehension of the appellant to the effect that by granting electricity connection to the respondent in her name, the right of the petitioner to the property would be adversely affected or it would be construed as a right or interest in the property being created in favour of respondent, Smt. Kuljeet Kaur, has been taken care of by the learned writ Court as is evident from para 10 of the impugned order and the learned Court having exercised its discretion in accordance with law and having protected the right of the appellant in the pending and ongoing dispute pertaining to the property we see no reason to make any indulgence into the matter.

5. Accordingly, the appeal along with the pending application stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 26, 2018/ns