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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 433/2017**
TEXMACO INFRASTRUCTURE & HOLDINGS LTD..... Plaintiff
Through Ms.Rekha Dwivedi, Adv.
versus
RAJESH KUMAR DUDANI Defendant
Through Mr.Vinay Sabharwal, Adv. with
defendant-in-person.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **04.07.2018**
IA No. 8451/2018 and 4140/2018

This court on 13.02.2018 had passed a decree of possession in favour of the plaintiff and against the defendant regarding the portion occupied by the defendant being Kothi No. 2, Birla Mills Officers Compound, Mandelia Road, Kamla Nagar, Delhi-110007. As para 14 of the decree, the defendant agreed to vacate the suit premises on or before 31.12.2018 subject to payment of charges towards electricity, water, etc.

Now, a controversy is sought to be created about the electricity charges. Based on that IA No. 4140/218 was filed seeking clarifications/directions to the plaintiff to accept the consumption charges only on the basis of the sub-metre readings and on the basis of the units consumed. While the said application was pending, now a second application has been filed being IA No. 8451/2018 praying that the plaintiff be directed to ensure continuation supply of electricity to the suit premises by making continuous payment to the electricity department and subject to tendering of electricity charges based on the sub-metre readings and on the

basis of actual consumption of the electricity by the defendant.

Learned counsel for the plaintiff has taken me to the reply to IA No.4140/2018. She has pointed out to the chart which has been reproduced in para 4 of the reply (at internal page 9) where electricity consumption charges of the defendant have been indicated. A perusal of the same shows that on an average, the sub-metre has recorded consumption of 160 to 300 odd units which translate to about Rs. 1200 to Rs.2500/- approximately per month. She submits that the plaintiff is only charging as per the sub-metre through which the electricity is being supplied to the defendant. She has also pointed out that as there was a default on the part of the defendant in making payments of the dues and hence electricity supply was disconnected. It is stated that substantial payments were made by the defendant on account of which the electricity supply now stands restored. The defendant who is present in person confirms that the electricity supply today stands restored.

It is manifest that the present applications serve no purpose for the present. The defendant will continue to keep making payments to the plaintiff in terms of the consumption recorded by the sub-metre

The applications stand disposed of.

At this stage, learned counsel for the plaintiff submits that there are some charges for common facilities like street lighting and for the water pump. The defendant obviously has to pay for common services. The defendant will continue to pay common services as per the past practice subject to a maximum of Rs.2,000/- per month.

JAYANT NATH, J

JULY 04, 2018

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