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

+ **W.P.(C) 3548/2019 & CM. Nos. 16261/2019 and 16262/2019**

SURESH KUMAR BHATIA Petitioner

Through: Mr. L. Ojha, Adv.

versus

THE STATE, GNCT DELHI AND ORS. Respondents

Through: Ms. Nidhi Raman, Adv. for R1 and
R4.

SI Vivek Kumar, PS-Narela.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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08.04.2019

CM. No. 16261/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 3548/2019 & CM. No. 16262/2019 (for Stay)

The present petition has been filed by the petitioner with the

following prayers:

"It is therefore, most humbly prayed that this Hon'ble Court may kindly be pleased to issue the writ in the nature of Mandamus or any other writ order or direction

1. To direct the respondent No. 2 and 3 to install the electricity connection at the Barber shop of petitioner more particularly described as "On Sai Gents beauty parlor" situated at Agrasen Dharmshala, Old Anaj Mandi, Narela- Delhi-110040 without insisting for NOC from the so-called Landlord.

2. To make the electricity distributing companies amenable to the writ jurisdiction as they are discharging sovereign function and their act is likely to affect the fundamental rights of the citizens.

4. To either direct and empower the respondent No. 1 for OR the Hon'ble Court may itself frame the guidelines commanding the electricity distributing companies including respondent no. 2 and 3 to provide easy access to the petitioner and other common citizens to the electricity connection, without forcing them to procure the NOC in case the landlord is hostile to the tenant.

5. To fix the liability of respondents no. 2 and 3 and to direct them to compensate the petitioner for subjecting him to the untold harassment, humiliation and mental agony apart from depriving him from his livelihood by not giving him electricity connection since 07.05.2018 till date.

6. To direct respondent No. 4 to provide assistance to the officials of electricity Department and to the petitioner in installing electricity connection at the above mentioned shop of the petitioner and also to register the FIR against respondent no. 5 and his associates under relevant provisions of law.

Any other and further and further order may also be passed as the Hon'ble Court may kindly deem fit and proper in the interest of justice.

Prayed accordingly.”

Suffice it to state and conceded by the learned counsel for the petitioner that the petitioner has filed a Suit being CS No. 729/2018 before the Rohini Courts for mandatory injunction to install the electricity connection. An order dated March 5, 2019 has been passed by the Civil Judge, Rohini Courts, whereby the following directions have been given:

“However, in the interest of justice and after taking into the note of the facts and circumstances of the present case, I by invoking the provisions of Sec. 151 CPC after taking into note of the directions passed in the W.P.(C) 195/2019 titled as “Shri Suraj Prakash Bajaj v. North Delhi Power Ltd. and Anr.” by the Hon’ble High Court of Delhi, the following directions is passed and the plaintiff Suresh Kumar Bhatia in the present case is directed to deposit Rs.15,000/- as Security deposit based on the past consumption pattern within 15 days from today as agreed by the plaintiff and the security charges of Rs.15,000/- shall not be adjusted against the payment of current dues and it shall be refunded to the plaintiff without interest as and when the plaintiff is evicted or vacates the suit property subject to the result of present petition and subject to adjustment, if any, on account of arrears.”

The contention of the learned counsel for the petitioner is that despite an order, respondents are not complying with the same. If that be so, remedy for the petitioner is to seek an implementation of the order and not to file a writ petition as has been done in this case.

Granting liberty to the petitioner to seek such remedy as available in law, the present petition is disposed of.

CM. No. 16262/2019

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

APRIL 08, 2019/jg