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

+ **W.P.(C) 5689/2019, CM No. 24903/2019**

DHARMENDER SINGH

..... Petitioner

Through: Mr. Anuj Chauhan and Ms. Ananya,
Adv.

versus

BSES RAJDHANI POWER LTD (BRPL) AND ORS.

..... Respondents

Through: Mr. Sunil Fernandes, SC for R1 with
Ms. Anju Thomas, Adv. for R1
Mr. Arun Bhardwaj, Sr. Adv. with
Mr. Balder Malik and Mr. Arjun
Malik, Adv. for R2 and R3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2019

CM No. 24903/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5689/2019

1. The present petition has been filed by the petitioner with the following prayers:

***“IN THE FACTS AND CIRCUMSTANCES OF THE
CASE IT IS PRAYED TO KINDLY***

*A. Direct the respondents to restore the electricity
connection of the tenanted house of the Petitioner bearing
No.16, Second Floor situated at Siri Fort Road, New*

Delhi forthwith.

B. Direct the respondent No.1 to produce a copy of ORDER NO. 001022528638, for disconnection of electricity of tenanted house of petitioner bearing NO.16, Second Floor situated at Siri Fort Road, New Delhi

MAIN PRAYER

IN THE FACTS AND CIRCUMSTANCES OF THE CASE IT IS PRAYED TO KINDLY

C. Issue appropriate writ / order to set aside the ORDER NO.001022528638, for removal of electric meter of tenanted house of petitioner bearing No.16, Second Floor situated at Siri Fort Road, New Delhi, passed by BSES RAJDHANI POWER LIMITED, as the same has been passed without granting the petitioner an opportunity of being heard in gross violation of principle of nature justice.

D. Pass any other order as may be deem fit and this Hon'ble Court in the facts and circumstances of the case."

2. Mr. Arun Bhardwaj, learned Senior Counsel appearing for the respondent Nos.2 and 3 opposes the petition. According to him, the petitioner was a tenant in the property of which the respondent Nos.2 and 3 are the landlords and are Sr. Citizens. Even after the expiry of the lease period, the petitioner has not vacated the property in question. In fact, it is

stated that the petitioner, by forging the signatures of the landlords has got the electricity connection of the second floor transferred in his name.

3. Pursuant to a Police complaint, the respondent No.1 has now restored the connection in the name of the landlords being respondent Nos.2 and 3. It is his submission that the same was done after giving a show cause notice to the petitioner on March 29, 2019.

4. Noting the aforesaid fact, this Court is of the view primarily the dispute is a private dispute between the petitioner and the respondent Nos.2 and 3. Appropriate for the petitioner shall be to seek a remedy before a Civil Court, by making respondent No.1 a party, and seek appropriate orders which may include the restoration of electricity connection. That apart It is not in dispute that the disconnection of electricity has been made at the behest of the landlords, who according to the learned counsel for the petitioner has obligation to provide electricity. Even otherwise, in view of disputed facts, this Court is of the view that it should not exercise its extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is dismissed.

V. KAMESWAR RAO, J

MAY 22, 2019/aky