

\$~A-46

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

+ W.P.(C) 1168/2020 and CM APPL. No. 3898/2020

ASHA VERMA

..... Petitioner

Through Ms.Amrita Chatterjee, Adv.

versus

GOVERNMENT OF NCT OF DELHI AND ORS..... Respondents

Through Mr.Sunil Fernandes, Standing

Counsel with Mr.Prastut Dalvi and Ms.Anju

Thomas, Advs. for BSES-RPL

Ms.Saumya Tandon and Mr.Shkhar Kumar, Advs.
for R-3.

SI Krishan Pal, PS Maidan Garhi.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **31.01.2020**

1. This writ petition is filed by the petitioner seeking a writ of mandamus to direct respondent No. 2 to immediately install an electricity meter in pursuance to the application of the petitioner.

2. The case of the petitioner is that BSES carried out an inspection of the petitioner's electricity meter on 05.03.2019 and a sum of Rs.3,23,880/- was imposed on the petitioner for the alleged electricity theft.

3. The petitioner approached the court of the Chairperson, Permanent Lok Adalat-I, BSES Building, Opp. Aiwan-e-ghalib, Mata Sundri Lane, New Delhi. The matter was settled vide an award dated 16.05.2019. In terms of the award, the petitioner has deposited a sum of Rs. 1,94,500/- with BSES. Thereafter, the petitioner applied for a new connection on 17.01.2020.

4. The BSES officials had come for installation of the electricity meter but the landlord Smt. Kaushalaya Devi with whom a litigation is said to be pending prevented the officials from installing the meter. However, in court learned counsel for the petitioner states that the petitioner is not a tenant of the property but is the owner of the property. She relies upon unregistered documents like agreement to sell, GPA and Will to claim title to the property. She is also unable to explain as to whether a civil dispute is pending with the said Smt. Kaushalaya Devi. She, however, submits that the electricity connection that was disconnected was originally in the name of the petitioner's husband, namely, Sh. Ashok Verma.

5. At this stage, learned counsel appearing for respondent No. 3 has filed a status report which shows that a complaint had been filed by the petitioner regarding obstruction caused to the BSES team. The police on enquiry found that there is a property dispute pending between the petitioner and Smt.Kaushalaya Devi & Sh.Pritpal and a civil suit is pending. The report also states that the petitioner is living on the first floor of the property and the said Smt.Kaushalaya Devi and Sh.Pritpal are living on the upper most floor of the property. The report filed by the police is taken on record.

6. It has also been pointed out that respondent No. 3 is SHO, PS Maidan Garhi and not Mehrauli.

7. It appears that the basic grievance of the petitioner is absence of electricity connection and the fact that when the officials of BSES came to carry out an inspection of the property, they were obstructed from doing the needful.

8. Without prejudice to the rights and contentions of the parties in the civil dispute that is said to be pending between the petitioner,

Smt.Kaushalaya Devi and Sh.Pritpal, let the concerned SHO, namely, respondent No. 3 ensure appropriate police protection to the concerned BSES team who may carry out an inspection of the property on 10.02.2020 at 2.00 PM. After the inspection is carried out, BSES will take steps regarding the application of the petitioner for grant of electricity connection as per law.

9. Nothing further survives in this petition. The petition is disposed of. Pending application also stands disposed of.

JAYANT NATH, J

JANUARY 31, 2020

rb