



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

+ **W.P.(C) 9178/2021**

Date of Decision: 24.05.2022

**IN THE MATTER OF:**

SIYA RAM DASS

..... Petitioner

Through: Mr. Shiv Charan Garg, Advocate

Versus

TATA POWER DELHI DISTRIBUTION LIMITED & ANR.

..... Respondents

Through: Mr. Manish Kr. Srivastava & Mr.  
Akhil Hasija, Advocates for Respondent No. 1  
Mr. Sachin Aggarwal, Advocate for  
Respondent No. 3  
Mr. Pashant Batra, Advocate for Respondent  
No. 4

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT**

**MANOJ KUMAR OHRI, J. (ORAL)**

1. The present writ petition has been filed under Article 226 of the Constitution of India on behalf of the petitioner seeking following reliefs:-

*"1. To pass a direction under section 43 and section 44 of the Electricity Act, 2003 directing the Respondents to provide fresh / new Electricity Connection in the name of Petitioner at his tenanted premises bearing no. 781, RISHI NAGAR, RANI BAGH, DELHI-110034.*

*2. To pass direction to charge actual consumption bill of electricity of suit property and not provisional or ad-hoc.*

*3. To pass cost of the Writ Petition."*



2. On 27.08.2021, this Court while issuing notice noted the submission of the learned counsel for the petitioner to the extent that the petitioner is a tenant at premises bearing No. 781, *Rishi Nagar, Rani Bagh, Delhi-110034* by virtue of Rent Deed dated 14.11.2019. It is claimed that respondent No. 3/*Mr. Gulshan Kumar* (as per amended memo of parties) is the landlord/owner.

3. The grievance raised by the petitioner is that pursuant to his application seeking electricity connection, a site inspection was carried out during which respondent No. 4/*Mr. Ravinder Singh* (as per amended memo of parties) has raised a dispute and claimed himself to be the owner of the premises.

In the said order, it was also noted that both *Gulshan Kumar & Ravinder Singh* have filed civil suit for possession against each other and have claimed themselves to be the owner of the property.

4. Considering the aforesaid submissions, this Court directed to implead both *Gulshan Kumar & Ravinder Singh* as respondents, who have been impleaded and represented through their respective counsels.

5. Learned counsels appearing on behalf of respondents No. 3 & 4 have confirmed the aforesaid position and submit that civil suits are still pending between the parties.

6. On a specific query, learned counsel for respondent No. 4, on instructions, admits that presently the petitioner is occupying a portion of the said property. The portion presently occupied by the petitioner is highlighted in the Site Verification Report, a copy of which has been placed on record as (*Annexure R-1*) alongwith the short affidavit/Status Report filed on behalf of respondent No. 1/TPDDL. As per the said Site Verification Report, the petitioner is stated to be occupying the shaded



portion in the map depicted therein under the heading 'Applied Premises'.

7. Learned counsel for respondent No. 4 submits that the shop shown in the said Site Verification Report is occupied by respondent No. 4.

8. Learned counsel for respondent No. 3, on instructions, submits that being the landlord/owner, respondent No. 3 has no objection to petitioner seeking electricity connection.

9. Learned counsel for respondent No. 1 while referring to the premises layout plan depicted in the said Site Verification Report has shown an apprehension inasmuch as there exists an *inter se* connection between the 'Applied Premises' and 'Adjacent premises', which may lead to safety hazards.

10. Learned counsel for the petitioner, on instructions, submits that the petitioner undertakes to use the electricity connection only for the shaded portion i.e., 'Applied Premises' and not for the 'Adjacent premises'. The undertaking given on behalf of the petitioner is taken on record and he is held bound by the same. He also submits that the petitioner will submit a fresh application seeking installation of new electricity connection and also complete all other formalities, as required by respondent No. 1.

11. Learned counsel for respondent No. 1 submits that as and when the fresh application is received, the same would be processed expeditiously and considered, subject to the petitioner completing all the formalities.

12. In view of the above, the petition is disposed of in the following terms:

(i) Petitioner shall make an application for grant of a fresh electricity connection in his own name.



- (ii) Respondent No. 1 shall process petitioner's application for installation of a fresh electricity connection without insisting on a NOC from the owner.
- (iii) Petitioner, shall comply with all the codal and commercial requirements of respondent No. 1/TPDDL.
- (iv) Petitioner shall also deposit a sum of Rs. 10,000/- with respondent No. 1/TPDDL in addition to the regular security deposit that the petitioner is required to make under the rules or regulations.
- (v) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No. 1/TPDDL from time to time.
- (vi) Petitioner shall not seek adjustment of the security deposit. However, on the petitioner vacating the premises or being evicted and surrender of the electricity meter, petitioner shall be entitled to refund of the security deposit subject to adjustment of any dues of respondent No. 1.
- (vii) Respondent No. 1 shall be entitled to disconnect the electricity supply in case petitioner fails to pay the electricity charges.
- (viii) Application of the petitioner shall be processed and electricity connection shall be installed within two working days of the petitioner completing all the formalities.
- (ix) The petitioner shall remain liable under the said electricity connection.



NEUTRAL CITATION NO: 2022/DHC/002041

13. It is clarified that this order is without prejudice to the rights and contentions of the parties and shall not be construed as recognising any tenancy or possessory rights of the petitioner with regard to the subject property and would be without prejudice to the pending dispute with the landlord. No special equities shall flow in favour of the petitioner because of this order.

14. The writ petition is disposed of in the above terms.

(MANOJ KUMAR OHRI)  
JUDGE

MAY 24, 2022  
*p'ma*

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