

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

+ **W.P.(C) 14595/2022 & CM APPL. 44741/2022**

Date of Decision: 20.10.2022

IN THE MATTER OF:

RITU WADHWA

..... Petitioner

Through: Mr.Pradeep Khatri, Mr.Nasir and
Ms.Mehreen Kanwal, Advocates.

versus

GOVT. OF NCT. OF DELHI & ORS.

..... Respondents

Through: Mr.Manish Kumar Srivasvata and
Mr.Akhil Hasija, Advocates for
respondent No.3/TPDDL.
Ms.Rachita Garg, Advocate for
respondent No.4.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

1. By way of the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner, who claims herself to be joint-owner of property bearing No. *E-19/20, 3rd Floor, Deep Vihar, Pansali, Delhi - 110042* (hereinafter, referred to as the '*subject premises*'), seeks directions to respondent No.3/TPDDL to install a fresh electricity meter at the subject premises without insisting for a No Objection Certificate (NoC) from respondent No.2.

2. On the last date of hearing, respondent No.2 was directed to be served by all permissible modes, including *dasti*.

3. Learned counsel for the petitioner submits that the petitioner is the wife of respondent No.2 and is residing at the subject premises alongwith their two children. It is contended that somewhere in November, 2021 respondent No.2 left the petitioner's company subsequent to which, brother of respondent No.2 had also withdrawn the electricity supply.

Learned counsel submits that due to paucity of time, though *dasti* notice was attempted to be served however respondent No.2 refused to accept the same. It is submitted that respondent No.2 stands served through electronic modes and an affidavit in this regard would be filed during the course of the day.

4. Learned counsel for respondent No.3, on instructions, submits that if directed, a fresh electricity connection would be provided to the petitioner at the subject premises.

5. At this stage, this Court deems it apposite to refer to the observations made by the Supreme Court in Dilip (Dead) through Lrs. v. Satish & Others, **Criminal Appeal No. 810/2022**, wherein it has been held as under:-

"It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.

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The impugned order cannot be sustained and the same is set aside. The appeal is, accordingly, allowed.

Pending applications, if any, shall stand disposed of.

It is however made clear that electricity supply granted, shall not be discontinued, subject to compliance by the Respondents of the terms and conditions of supply of electricity by the electricity department including payment of charges for the same.”

6. Keeping in view the aforementioned observations of the Supreme Court, the present writ petition is disposed of in the following terms:

- (i) Petitioner shall make an application for grant of a fresh electricity connection in her own name.
- (ii) Respondent No.3 shall process petitioner's application for installation of a fresh electricity connection without insisting on a NoC from respondent No.2 (husband of the petitioner).
- (iii) Petitioner, shall comply with all the codal and commercial requirements of respondent No.3/TPDDL.
- (iv) Petitioner shall also deposit a sum of Rs.10,000/- with respondent No.3/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.3/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 the respondent.
- (vii) Respondent No.3/TPDDL 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.

7. It is clarified that this order is without prejudice to the rights and contentions of the parties and shall not be construed as recognising rights of any nature whatsoever, including either the ownership or possessory rights of the petitioner with respect to the subject premises. It is also clarified that no special equities shall flow in favor of the petitioner on account of this order.

8. The writ petition is disposed of in the above terms. Pending application, if any, is disposed of as infructuous.

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 20, 2022/v