



\$~37

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

+ **W.P.(C) 5902/2024 & CM APPL. 24339/2024**

SUNIL KUMAR ALEDIA

..... Petitioner

Through: **Ms. Pragya Dubey, Advocate with
Petitioner in person**

versus

DSEU & ORS.

..... Respondent

Through: **Mr. Shivendra Singh and Mr. Bikram
Dwivedi, Advocates for R-1
Ms. Mrinalini Sen, Standing Counsel,
DDA/R-2
Mr. Parvinder Chauhan and Ms.
Aakriti Garg, Advocates for
DUSIB/R-4
Mr. Manish Srivastava, Mr. Moksh
Arora, Advocates for R-5/BSES
Ms. Harshita Nathrani, Mr. Vedansh
Vashisht, Advocates for Mr. Sameer
Vashisht, ASC (Civil), GNCTD**

%

Date of Decision: 26th April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ: (ORAL)

1. Present writ petition has been filed under Article 226 of the Constitution of India as a Public Interest Litigation ('PIL') seeking direction to Respondents to restore and ensure continuous electricity supply at



building known as Matia Mahal Lighthouse Skill Centre located at Open Air Theatre Community Hall, 2541-51/VIII, Lajpat Street, Shankar Gali, Delhi ('subject premises').

2. Learned Counsel for the Petitioner states that the present petition has been instituted in the general interest of students studying at the said skill centre. She states that the said skill centre is affiliated with Delhi Skill and Entrepreneurship University ('DSEU') and is operated by an NGO by the name of Lighthouse Communities Foundation.

3. She states that on 8th March, 2024, BSES Yamuna Power Limited ('BSES') i.e., Respondent No. 5, disconnected the electricity supply to the subject premises, without any prior notice, and subsequently, removed the electricity meter installed at the subject premises on 15th March, 2024.

4. She states that the disconnection of electricity supply plunged both educational and essential facilities into a state of crisis, thus, severely affecting the daily lives of the students.

5. She states that in a separate PIL i.e., WP(C) 5306/2024 filed by the Petitioner herein for the persons living in the shelter run by Delhi Urban Shelter Improvement Board ('DUSIB') i.e., Respondent No. 4, which is located in the same subject premises, the Petitioner herein had highlighted the issue of disconnection and sought restoration of the electricity. She states that this Court *vide* its order dated 10th April, 2024 allowed the aforementioned writ petition and directed BSES to restore the electricity connection on the basis of the undertaking given by DUSIB that the outstanding arrears towards the electricity bill payment will be cleared on the same day.

6. In reply, learned counsel for Respondent No. 5, BSES states that in



compliance with the order dated 10th April, 2024, the electricity stands restored to the subject premises. He states that while the night shelter run by Respondent No. 4, DUSIB is located on the Second floor, the skill centre operated by the NGO is located on the First floor. He states that the NGO is liable to obtain an independent electric connection for the premises occupied by them and should not draw electricity from the meter providing electricity supply to the night shelter. He states for the present, electricity stands restored to the entire building, however, the NGO is liable to pay dues for the electricity supply to the floor used by them.

7. Learned Standing Counsel for Delhi Development Authority ('DDA') i.e., Respondent No. 2 states that the subject building has been handed over to Respondent No. 4, DUSIB and thereafter, Respondent No. 2 is not liable for the electric supply or the electricity dues of the said building.

8. None appears on behalf of the NGO, which is using and occupying the subject premises for running the skill centre.

9. We have heard the learned counsel for the parties and perused the record.

10. In view of the submission made by the learned counsel for BSES that the electricity to the building stands restored, the prayers sought in this petition do not survive for consideration.

11. It appears from the record that the NGO which is operating the skill centre has been granted a license/lease by Respondent No. 4, DUSIB to occupy a floor in the building. The liability to pay electricity dues for the consumption by the centre operated by the NGO would naturally fall on the said NGO and Respondent No. 2, DDA cannot be liable for the said dues even though the electricity bill is being issued in the name of DDA. There



appears to be a dispute raised by the NGO as regards its liability towards the quantum of electricity dues payable to BSES. The said disputes of quantification have to be resolved by the NGO directly with Respondent No. 4, BSES as well as Respondent No. 5, DUSIB and no PIL can be maintained for resolving these disputes.

12. There were admittedly arrears for the electricity consumed and therefore, the action of BSES in disconnecting the electricity supply on 08th March, 2024 stands to reason. It is admitted that Respondent No. 4, DUSIB has complied with the order dated 10th April, 2024 passed in W.P.(C) 5306/2024 and ensured restoration of the electricity supply to the building for the benefit of the night shelter.

13. We therefore find no merit in the present petition and the same is dismissed along with applications.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 26, 2024/hp/MG