



2024:DHC:5631-DB



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

+ LPA 706/2024 & CM APPL. 42706/2024, CM APPL. 42707/2024
CM APPL. 42708/2024

SHRI SAXENA THROUGH NATURAL GURDIAN.....Appellant

Through: Ms. Latika Chaudhary, Adv. with Mr.
Shiv Kumar Saxena.

versus

BSES RAJDHANI POWER LTDRespondent

Through: Mr. Harshal Arora, Mr. Raghav
Awasthi, Advs. for BSES.

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Date of Decision: 30th July, 2024.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the impugned order dated 21st June, 2024, passed by the learned Single Judge in W.P.(C) 8670/2024, whereby the writ petition filed by the Appellant seeking restoration of electricity supply of second floor and ground floor of the property bearing No. G-64(105), Gali No. 20-22, Rajapuri Colony, Uttam Nagar, Delhi-110059, was allowed subject to payment of arrears of electricity charges by the Appellant within a period of 15 days.

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2. Learned counsel for the Appellant states that the Ld. Single Judge failed to appreciate the fact that the CA No. 103389492 with respect to which direction for restoration of electricity was passed pertains to the first floor of the property with respect to which the Appellant had sought restraining order from disconnecting the electricity connection. She states that the Ld. Single Judge did not pass any order regarding restoration of electricity connection of second floor and ground floor of the property. She further states that the Ld. Single Judge also failed to appreciate the fact that despite zero dues with respect to second floor, electricity connection was nevertheless disconnected by the Respondent.
3. She states that the Appellant has been unable to pay the arrears on account of failure of the Respondent in transferring the old electricity connection in the name of the Appellant's father or give him new connections despite multiple representations.
4. In response to pointed queries, the learned counsel for the petitioner, the learned counsel for the appellant, on instructions of the appellant states that the dues in question do not pertain to the appellant and that the appellant has a dispute with a property broker which is pending adjudication in a civil suit.
5. A perusal of the impugned order reveals that it is a consent order inasmuch as, the appellant had agreed to clear dues of Rs. Two Thousand Thirty (Rs.2030) pertaining to CA No. 103389492 within fifteen days. Further upon deposit of the said amount, the appellant was to receive supply of electricity on all the floors of the suit property.
6. Admittedly, the amount of Rs. Two Thousand Thirty (Rs.2030) has not been paid.



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7. Also the number of the meter had been furnished by learned counsel for the appellant/ petitioner on instructions from the petitioner. It was on this basis that the learned Single Judge had passed the impugned order and directed restoration of the electricity connection.
8. This Court is of the view that the appellant/ petitioner cannot take advantage of his own wrong in the event the CA Number has been wrongly mentioned in the impugned order as it was based on the statement given by learned counsel for the appellant/ petitioner.
9. In any event, the dispute between the appellant/ petitioner and the property broker cannot be resolved in writ proceedings and that too behind the back of the alleged property broker. Accordingly, the present appeal being bereft of merits is dismissed.
10. However, the appellant is given liberty to file appropriate proceedings in accordance with law.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 30, 2024

N.Khanna