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

% *Date of decision: 25th October, 2024*

+ CM(M) 3079/2024

DEEPA GUPTA

.....Petitioner

Through: Mr. Suhail Shah, Advocate.

versus

GURPREET SINGH & ANR.

.....Respondent

Through: Mr. Manish Srivastava with MR.
Moksh Arora, Mr. Santosh Ramdurg
and Mr. Yash, Advocates for TPDDL.
Mr. Adarsh Ganesh, Advocate.
Mr. Manish, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is a tenant who is aggrieved by order dated 13.05.2024 whereby an application moved under Section 45(3) of Delhi Rent Control Act, 1958 has been dismissed by the learned Additional Rent Controller observing that she has failed to show sufficient grounds requiring grant of interim order in her favour.

2. Undeniably, the petitioner is having possession of a tenanted shop situated at B-1459, Shastri Nagar, New Delhi.



3. Respondent No.1 herein is stated to be the grandson of the actual landlord.

4. There is no dispute that the petitioner is in possession of the suit shop in capacity of her being a tenant and is also, at the moment, without any electricity.

5. According to learned counsel for respondent No.1, when the premises were let out, it was let out without any facility of electricity and, therefore, the request in this regard was totally misplaced as since there was never any provision of electricity, there was no question of its disconnection. It is also submitted that the present petition is misconceived as in the year 2016, the predecessor-in-interest of the petitioner had made a similar kind of request seeking electricity and such request was declined by the learned Additional Rent Controller on 20.03.2019. It is submitted that if there was any grievance, they should have rather challenged the above said order, instead of filing petition afresh. Thus, relying on averments made in counter affidavit, it is prayed that the present petition may be dismissed.

6. According to petitioner, electricity supply is one of the basic amenities, without which the petitioner is facing acute difficulty in running her business from the tenanted shop. It is contended that earlier such supply had been given by installing a sub-meter, which was, eventually, removed.

7. Learned counsel for respondent No. 2-Tata Power Delhi Distribution Limited (TPDDL) contended that they would have no objection for providing a fresh electricity connection of the meter, in respect of the suit shop, subject to compliance of certain requirements. These requirements are



as under:-

- i. *The petitioner's application to TPDDL will be processed without insisting any No Objection Certificate from landlord.*
- ii. *The petitioner will comply with all other codal and commercial formalities for a grant of a new connection.*
- iii. *The petitioner will pay the arrears of consumption charges, if any, as demanded by the respondent.*
- iv. *In addition to the regular security deposit, the petitioner will deposit a sum of Rs.25,000/- as additional security deposit with TPDDL.*
- v. *The petitioner will pay the current consumption charges in accordance with the bills raised by the TPDDL from month to month.*
- vi. *The security deposit will not be adjusted against the demands for the current period, but will be refunded to the petitioner upon vacation of the premises, subject to any adjustment of any arrears at that time.*
- vii. *TPDDL will be entitled to disconnect the electricity in the event of non-compliance with any of the above conditions.*

8. During course of arguments, reliance was placed by petitioner on order dated 19.02.2024 passed by this Court in *Anup Praskash Kaicker vs BSES Rajdhani Power Limited and Anr.* in W.P(C) No. 16649/2023. Learned counsel for TPDDL has also relied upon the same. In that case also, the tenant was seeking electricity connection in the tenanted premises and the proceedings under Delhi Rent Control Act, 1958 were pending between the parties. During such proceedings, an application under Section 45 of Delhi Rent Control Act was filed before the concerned Court of learned Additional



Rent Controller seeking direction to provide electricity in the tenanted premises, which was dismissed. When such order was challenged, this Court, without prejudice to the rights and contentions of the parties directed fresh supply of electricity on the conditions already extracted above. It was also observed therein as under:-

“5. Learned counsel for the petitioner draws attention to a judgment of the Supreme Court in Dilip (Dead) Through LRs. Vs. Satish & Ors. (Crl. Appeal No. 810/2022 decided on 13.05.2022) whereby it has been held that electricity is a fundamental necessity of a person in possession of a property, regardless of any civil dispute as to the legality of their possession.

6. Further, this court in several orders including order dated 04.11.2022 in Sh. Ram Prasad Vs. BSES Yamuna Power Ltd. & Anr. (W.P.(C) 10202/2022) has also directed that connections be given in the names of person in possession of the property, without prejudice to the rights and contentions to be adjudicated in any civil proceedings.”

9. It is also important to mention that the stand of M/S Tata Power Delhi Distribution Limited (TPDDL) remains the same herein and it is ready to provide fresh connection. The status report has been filed along with site verification by the M/S Tata Power Delhi Distribution Limited (TPDDL) and during course of the arguments, learned counsel for TPDDL reiterated that if the above conditions are followed by the petitioner, they would have no objection in, at least, providing tenant with a fresh electricity connection.



10. The question is not whether the tenant could prove her case under section 45 of DRC Act or not.

11. Question is whether such basic amenity can be denied to her. Landlord is not willing to give any '*No Objection*' so as to enable her to obtain fresh connection.

12. Such adamancy, discernibly, amounts to withholding of facility of electricity supply, requiring immediate interference by writ court while exercising powers under Article 227 of Constitution of India.

13. Keeping in mind the overall facts and circumstances of the case and also while realising the importance of the fact that it is difficult to run business or use premises without electricity, the present petition is disposed of with direction that the petitioner shall take steps in terms of the above said conditions stipulated by M/S Tata Power Delhi Distribution Limited (TPDDL) and on her compliance thereto, fresh electricity connection be provided to her by TPDDL.

14. Needless to say, such order will not be treated as having conferred any special equity in favour of the petitioner.

15. Order *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

OCTOBER 25, 2024/sw