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

+ **W.P.(C) 15942/2023 & CM APPL 54589/2024**

ANANT NARAYAN RAI

.....Petitioner

Through: Mr. Sanjeev Sahay and Mr. Karan
Deep Singh, Advs.

Versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

.....Respondents

Through: Mr. Chetanya Singh, Adv. for NDMC

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

18.09.2024

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1. The Court *vide* order dated 12.12.2023, while directing for issuance of notices to the respondents, has considered the following submissions:-

"This matter has been received due to non-availability of the Roster Bench.

2. By way of the present petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction to respondent No.1/New Delhi Municipal Council ('NDMC') to provide an electricity connection in the petitioner's name in property bearing No. D-4, Upasana Building, 1 Hailey Road, K G Marg, New Delhi ('subject property'); or, in the alternative, to restore the electricity connection vide Meter No. GP1045136 and Consumer No. 1964064, that was installed at the premises earlier.

3. Mr. Sanjeev Sahay, learned counsel appearing for the petitioner submits, that the subject property belongs to the Hindu Undivided Family ('HUF') of late Mr. Kalpnath Rai (grandfather of the petitioner), of which the petitioner as well as respondent No.2/Siddharth Rai (father of the petitioner) are members.



4. Counsel submits, however that there is a matrimonial dispute between the petitioner's parents, namely his mother and respondent No.2, and in order to cause inconvenience to the petitioner to vacate the subject premises, respondent No.2 has disconnected the electricity connection in the subject property, which is causing serious hardship to the petitioner.

5. Issue notice.

6. Mr. Chetanya Singh, learned counsel is present on behalf of respondent No.1 on advance copy; accepts notice; and seeks time to file counter affidavit.

7. Upon the petitioner taking requisite steps, let notice be sent to respondent No.2 by all permissible modes, returnable for the next date.

8. Let counter-affidavits be filed within 03 weeks; rejoinders thereto, if any, be filed within 02 weeks thereafter; with copies to the opposing counsel."

2. The respondent No. 1 has not placed on record any counter affidavit therefore, the right of respondent No.1 to file the same stands forfeited. With respect to the service of notice upon respondent No.2, learned counsel for the petitioner submits that the service has been effected through registered speed post. The affidavit of service has been placed on record.

3. In view of the aforesaid, when the Court confronted learned counsel for respondent No.1 as to why the electricity connection of the petitioner has not been restored, he submits that the property in question belongs to Hindu Undivided Family (HUF) of late Mr. Kalpnath Rai (grandfather of the petitioner), of which the petitioner as well as respondent No.2 (Siddharth Rai) i.e., father of the petitioner, are members. According to him, in absence of any NOC being granted by respondent No.2, the electricity connection cannot be restored.

4. The Court takes note of the mechanism provided in terms of Section 42(5) of the Electricity Act, 2003. In view of the said provision, the



grievances raised in the instant writ petition can also be agitated before the Consumer Grievance Redressal Forum (CGRF). In the considered opinion of the Court, the concerned authority would be in a better position to deal with the aspects involved in the instant writ petition.

5. However, till the matter is adjudicated by the CGRF and considering the facts and circumstances involved in the instant case, the Court directs respondent No.1 to temporarily restore the electricity connection *vide* Meter No. GP1045136 and Consumer No. 1964064 within a period of seven days from the date of receipt of the copy of the order passed today. The same, however, shall be subject to further orders to be passed by the CGRF. The petitioner shall be liable to make necessary charges/bills etc. as required.

6. With the aforesaid observations, the petition stands disposed of alongwith the pending application. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 18, 2024

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