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

+ W.P.(C) 13635/2024 & CM APPL. 57040/2024

ANIL KUMAR GOYAL

.....Petitioner

Through: Mr. Rachit Gupta & Mr. Vinit
Tyagi, Advocates.

versus

GOVERNMENT OF NCTD

.....Respondent

Through: Mr. Rishab Raj Jain, Mr. Sharique
Hussain & Ms. Gauri Jain,
Advocates for BSES YPL/R-2.
Mr. Rajesh Kumar Luthra,
Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.11.2024**

1. The petitioner has filed this writ petition seeking a direction against respondent No. 2-BSES Yamuna Power Limited, for removal of an electricity meter through which electricity is provided to *Shop No. 1157, Ground Floor, Mohalla Imli Kucha Harjas Mal, Sitaram Bazar, Delhi-110006*.

2. The said shop is in the occupation of respondent No. 4. The petitioner claims to be the owner of the shop in question and has instituted eviction proceedings against respondent No. 4, which remain pending before the Additional Rent Controller, Tis Hazari Court, Delhi [Misc RC ARC No. 109/22]. The petitioner is also the owner and occupier of the neighbouring shop, bearing *No. 1156, Ground Floor,*



Mohalla Imli Kucha Harjas Mal, Sitaram Bazar, Delhi-110006.

3. The petitioner's grievance is that the electricity meter of the tenanted premises has been installed on the wall which separates the petitioner's shop from the shop in occupation of respondent No. 4. According to the petitioner, the installation of the meter at this location is dangerous, as both the petitioner and respondent No. 4 carry on the business of *halwais* from their respective shops.

4. Respondent No. 2, which is the distributor herein, has filed a counter affidavit dated 13.11.2024. Although the affidavit is not on record, a copy has been handed up in Court and is taken on record. The counter affidavit states that the premises were inspected on 30.07.2024, and it was found that the meter is installed outside the shop on a wooden board, and no other space is available outside the premises for installing the meter. A further inspection has been carried out on 01.10.2024, and the aforesaid conclusions have been reiterated. Respondent No. 2 has further stated as follows:-

"9. This may further be noted that at the subject premises, technically there is no space of shifting meter. Further, there is no possibility of meter damage at its existing site due to heat. The meter is installed at proper space. However, it is out rightly denied that Respondent No. 2 forcefully installed the meter at its current location. There was no impediment for Respondent No. 2 to install the meter at its existing location."

5. Respondent No. 2 has also annexed certain photographs, from which it appears that the meter is installed on a wooden board between the two shops. The meter is a small meter, with a sanctioned load of 1 kVA. The photograph placed on record by respondent No. 2 is reproduced below with the meter marked in red:



6. In view of the aforesaid submissions of respondent No. 2, which is the distribution licensee, I do not find any ground to grant the relief sought in this writ petition. Respondent No. 2 has expressed the opinion that the location is not risky or dangerous, so as to require a mandatory order of relocation. It appears that the present petition has only been filed to ventilate grievances between the landlord and tenant, which is already the subject matter of eviction proceedings.

7. The writ petition is, therefore, dismissed, leaving it to the parties to agitate their respective cases in the pending eviction proceedings. All pending application also stand disposed of.

PRATEEK JALAN, J

NOVEMBER 14, 2024
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