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

+ W.P.(C) 15163/2024 & CM APPL. 63573/2024

MOHD MUSTAKEEM

.....Petitioner

Through: Mr. B.P. Agarwal, Advocate with
the petitioner.

versus

TATA POWER DELHI

DISTRIBUTION LTD & ANR.

.....Respondents

Through: Mr. Manish Kumar Srivastava, Mr.
Moksh Arora, Mr. Santosh
Ramdurg, Mr. Yash Srivastava,
Advocates for R-1.
Mr. Rajan Bhatia, Mr. Chandan,
Mr. Tribhuvan, Advocates for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.12.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, with regard to an application submitted to respondent No. 1 – Tata Power Delhi Distribution Ltd., for sanction of an electric connection at premises bearing No. 196, *Phase-II, Shehzada Bagh Industrial Area, Inderlok, Delhi - 110035* [“subject premises”], without insisting upon a No Objection Certificate [“NOC”] of the owner of the subject premises [respondent No. 2 herein].

2. According to the petitioner, he is a tenant of the subject premises



under respondent No. 2. The petitioner had filed CS SCJ 2044/2022 for permanent and mandatory injunction against respondent No. 2, against dispossession and disruption of the electricity connection being received by him at the subject premises. The suit was disposed of on 31.10.2022, recording an undertaking of the petitioner that he would pay the electricity bill regularly till the time he is in possession of the subject premises, as well as an undertaking of respondent No. 2 that the petitioner would not be dispossessed without following due process of law, and that the electricity connection would not be disrupted till the time the petitioner is in possession of the subject premises.

3. As recorded in the order dated 18.11.2024, the contention of respondent No. 1 is that the electricity has been disconnected upon a request of respondent No. 2.

4. Respondent No. 2 is present in Court, and is represented by counsel. Mr. Rajan Bhatia, learned counsel for respondent No. 2, states that the petitioner failed to abide by the undertaking to make payment of the electricity dues, and is also in arrears of rent. Respondent No. 2 has therefore instituted a suit for possession against the petitioner [Suit No. CS DJ - 1152/2022], which remains pending before the Trial Court, Central District, Tis Hazari, Delhi.

5. Having heard learned counsel for the parties, I am of the view that the appropriate course would be for the petitioner to obtain an independent electricity connection in his own name, without prejudice to the rights and contentions of the parties in the pending suit for possession.

6. Mr. Manish Srivastava, learned counsel for respondent No. 1, submits that such a course is possible, subject to the petitioner completing



all commercial and codal formalities. Mr. Bhatia also states that this course is acceptable, as long as directions are made without prejudice to the rights and contentions of the respondent No. 2.

7. The writ petition is therefore disposed of, with the consent of learned counsel for the parties, with the following directions:

- A. The petitioner may seek a fresh electricity connection or meter from respondent No. 1, which will be processed without insisting upon a NOC from respondent No. 2.
- B. The petitioner will comply with all other commercial and codal formalities for a grant of new electricity connection or meter.
- C. The petitioner will pay the arrears of consumption charges, as demanded by the respondent No. 1. As there is some dispute between petitioner and respondent No. 2 as to the liability for the said consumption charges, the payment will be made by petitioner, without prejudice to his right to recover the same from respondent No. 2, if so entitled in law.
- D. In addition to the regular security deposit, the petitioner will deposit a sum of Rs.30,000/- as additional security with respondent No. 1.
- E. The petitioner will pay the current consumption charges in accordance with the bills raised by the respondent No. 1 from month to month.
- F. 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 subject premises, subject to any adjustment of any outstanding arrears at that time.



G. Respondent No. 1 will be entitled to disconnect the electricity in the event of non-compliance with any of the above conditions.

H. The parties will cooperate with respondent No. 1 for removal of the existing meter from the subject premises.

8. This order is passed without prejudice to the rights and contentions of the parties in any pending civil suit or any other pending proceedings between them. It is made clear that this order will not confer any special equities upon the petitioner.

9. The petition, alongwith the pending application, is disposed of with the aforesaid directions.

PRATEEK JALAN, J

DECEMBER 19, 2024

'Bhupi/AD'/'