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

+ **W.P.(C) 1027/2025**

MITU SATAPATHY

.....Petitioner

Through: Mr. Rajneesh Sharma, Mr. Deepak Juneja, Mr. Ritank Kumar and Mr. Anil Pandey, Advocates.

versus

**DJA CO-OPERATIVE GROUP HOUSING SOCIETY LTD.
& ORS.**

.....Respondents

Through: Mr. Om Prakash, Advocate for Respondent No.1.

Mr. Naresh Kumar Beniwal and Ms. Sanchita Beniwal, Advocates for Respondent No.2/RCS.

Mr. Shariq Hussain, Advocate for Respondent No.3/BSES-RPL.

Ms. Sangeeta Bharti, Standing Counsel and Ms. Manya Sharma, Advocate for Respondent No.4/DJB.

Ms. Anju Lal, Mr. Rajeev Sharma and Ms. Shalu Lal, Advocates for Respondent No.5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

28.01.2025

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CM APPL. 5097/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a limited relief of direction to



Respondent No.3/BSES and Respondent No.4/DJB to restore the electricity and water connection respectively to property bearing Flat No. A-102, DJA CGHS, Plot No.1A, Sector-13, Dwarka, New Delhi.

4. At the outset, learned counsels for the Respondents take an objection to the maintainability of this writ petition on the ground that there is an arbitration agreement between the parties incorporated in the tripartite agreement entered into between the Petitioner, owner of the flat in question and the society and therefore, the remedy of the Petitioner is to take recourse to remedies under the Arbitration and Conciliation Act, 1996.

5. From a reading of the writ petition, it is evident that the Petitioner has herself averred that the tripartite agreement incorporates an arbitration agreement and it is for this reason that the civil suit filed by her before the Trial Court was dismissed to take recourse to arbitration proceedings.

6. At this stage, learned counsel for the Petitioner after canvassing some arguments, on instructions, seeks to withdraw this writ petition to take recourse to remedies under the Arbitration and Conciliation Act, 1996 since admittedly the arbitration agreement has been invoked by Respondent No.1 and notice has been received by the Petitioner.

7. In view of the aforesaid, this writ petition is disposed of, granting liberty to the Petitioner as prayed for, in accordance with law, making it clear that this Court has not entered into the merits of the case.

JYOTI SINGH, J

JANUARY 28, 2025

B.S. Rohella/shivam