



\$~27

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

+ LPA 482/2022 & CM APPL. 36110/2022 (Issue Appropriate Order), CM APPL. 36111/2022 (Interim Stay), CM APPL. 36112/2022 (Addl. Document), CM APPL. 15260/2025 (Direction), CM APPL. 15262/2025 (Addl. Document)

**DIOCESE OF DELHI CHURCH OF NORTH INDIA CNI
AND ANOTHER**Appellant

Through: Mr. Arun Francis & Ms.
Veronica Francis, Advs.

versus

DEEPAK MARTIN CALEB AND ANRRespondents

Through: Mr. Luv Virmani, Adv. for R-1.
Mr. Manish Srivastava & Mr.
Moksh Arora, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

17.03.2025

%

1. This Letters Patent Appeal is directed against the judgment rendered by the learned Single Judge on 18 July 2022 on the writ petition filed by the first respondent seeking a direction for being accorded the facility to obtain a separate pre-paid electricity meter for installation at the premises in question.

2. The dispute as per the appellants emanates from the first respondent continuing to occupy the subject premises without lawful authority. It appears that the father of the first respondent was the resident priest and it was in that capacity that he had been inducted in the subject property.

3. However, and post his demise, the possession has continued to



be retained by the respondent no.1. It is this which appears to have led to the dispute having arisen *inter partes*.

4. Accordingly, and while considering the writ petition, the learned Single Judge has framed the following operative directions:

“4. Keeping in view the aforesaid and without prejudice to the rights and contentions of the parties, it is directed that a prepaid electricity connection be installed in the name of the petitioner at the subject property, subject to the following terms:

(i) Petitioner shall make an application for grant of a fresh prepaid electricity connection in his own name.

(ii) Respondent No. 1 shall process petitioner’s application for installation of a fresh prepaid electricity connection without insisting on a NOC from the owner.

(iii) Petitioner, shall comply with all the codal and commercial requirements of respondent No. 1.

(iv) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No. 1 from time to time.

(v) Petitioner shall not seek adjustment of the security deposit. However, on the petitioner vacating the premises or being evicted and surrender of the electricity meter, petitioner shall be entitled to refund of the security deposit subject to adjustment of any dues of respondent No. 1.

(vi) Respondent No. 1 shall be entitled to disconnect the electricity supply in case petitioner fails to pay the electricity charges.

(vii) Application of the petitioner shall be processed expeditiously, as and when filed, and electricity connection shall be installed within two working days of his completing all the formalities.”

5. It is equally significant to note that the learned Single Judge, while according permission to the first respondent to obtain a pre-paid electricity meter in terms aforenoted, has observed as follows:

“5. It is clarified that this order is without prejudice to the rights and contentions of the parties/any other person and shall not be construed as recognizing rights of any nature whatsoever, including the ownership rights of the petitioner with regard to the subject property. As such, no special equities shall flow in favour of the petitioner on account of this order.”

6. The aforesaid observation appears to have been entered in light



of proceedings which have been initiated by the appellants for the eviction of the first respondent.

7. In our considered opinion the mere grant of permission by the learned Single Judge for the installation of a pre-paid electricity meter, and that too caveated by the observations appearing in Para 5, clearly do not operate to the prejudice of the appellants. The learned Single Judge has in unequivocal terms observed that the mere installation of such a meter would not be construed as a recognition of any right inhering in the first respondent, including ownership rights that it could claim or assert. It has further been observed that no special equities would flow to the first respondent pursuant to the installation of that meter.

8. The aforesaid observations clearly protect the rights and contentions of the appellants. In view of the aforesaid, we find no justification to interfere with the judgment impugned.

9. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J

HARISH VAIDYANATHAN SHANKAR, J

MARCH 17, 2025/kk