

(2021) 11 DEL CK 0048

In the Delhi High Court

Case No : Civil Writ Petition No. 2356 Of 2021

Reenu Malhotra

APPELLANT

Vs

State Of Delhi Nct And Ors

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Citation : (2021) 11 DEL CK 0048

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : B.P. Singh, Sunil Fernandes, Shubham Sharma, Dhruv Dwivedi, Shaikh Bakhtiyar

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Affidavit of service has been filed indicating that notice has been served on respondent no. 6. None appears for respondent no. 6 despite service.
3. Petitioner seeks a direction to the respondent-BSES-RPL to install the new electricity connection for the to lift and stilt parking/common area of the property bearing No. 17, Road No. 42, Punjabi Bagh (West), New Delhi.
4. Learned counsel for the petitioner submits that the electricity meter has been sanctioned, however, the same has not been installed for servicing the lift and the common areas.
5. Learned counsel appearing for BSES-RPL under instructions submits that he has no objection to installation of the electricity meter, however, objection was being raised by other co-owners of the property.
6. Learned counsels appearing for respondent no. 4 and 5 submit that there are civil disputes pending inter-se the parties and petitioner is seeking to have rights

established in the property by way of installation of an electricity meter. They further submit that the lift and common areas are being serviced by an existing electricity meter and there is no threat of disconnection of the said supply.

7. Learned counsel appearing for the petitioner submits that the electricity is being provided from a meter installed at the second floor, which is in possession of respondent no. 6, who does not even reside therein. He submits that there is an apprehension that the supply may be disconnected.

8. In view of the fact that today there is no dispute that the lift and common areas are being serviced by an electricity connection, though in the name of respondent no. 6, the grievance of the petitioner is premature. However, in case the electricity supply to the lift or common areas is disconnected by respondent no. 4 to 6 or any one action on their behalf, petitioner would be at liberty to approach BSES-RPL, in which case, after due inspection and subject to completion of commercial and other formalities, BSES-RPL would install the electricity connection for the lift and common areas.

9. It is further clarified that grant of the electricity connection, if any, to the petitioner would not amount to accepting or acknowledging the right of the petitioner to the subject property and the same would be without prejudice to the rights and contentions of the parties and would have no bearing on the civil suits pending between the parties.

10. The petition is accordingly disposed in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.