
(2008) 03 DEL CK 0177

In the Delhi High Court

Case No : Writ Petition (C) 1582 of 2008

Sarla Guliani and Another

APPELLANT

Vs

N.D.P.L. and Another

RESPONDENT

Date of Decision : 11-03-2008

Acts Referred:

Citation : (2008) 03 DEL CK 0177

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : M.K. Singh, for the Appellant; K. Datta, for NDPL and Rajesh Harnal, for the Respondent

Judgement

Sanjiv Khanna, J.—Respondents have been served. Learned Counsel for the respondent No. 2 states that a civil suit is already pending between the petitioner and the said respondent. He further states that some incorrect averments have been made in the writ petition but the landlord does not have any objection in case electricity connection of the petitioner is restored subject to the condition that respondent No. 2 will not be liable to pay the electricity charges/dues.

2. In the present case, there are inter se disputes between the petitioner, who is tenant and the respondent No. 2-landlord. Learned Counsel for the petitioner states that he is ready and willing to deposit three months security deposit on the basis of past average consumption pattern. Petitioner is entitled to electricity supply to enjoy his tenancy rights.

3. In view of the peculiar facts and circumstances of this case and to protect the interest of the parties, the following directions are passed:

(1) The petitioner will file a fresh application with the respondent Distcom for installation of electricity connection in his name. The said application will be processed as per Rules but without insisting on No Objection Certificate from the respondent No. 2.

(2) In addition to other charges, the petitioner will deposit three months security deposit based upon past consumption pattern. The amount will be calculated by the respondent-Distcom. The respondent-Distcom will be at liberty to ask for enhanced security deposit depending upon future consumption pattern.

(3) The petitioner will continue to pay consumption charges as raised by the respondent-Distcom every month. The security charges will not be adjusted against payment of current dues. The security amount will be refunded to the petitioner without interest if and when the petitioner is evicted or vacates the premises, subject to adjustment if any on account of arrears. The respondent-Distcom will be entitled to disconnect electricity in case current dues are not paid.

4. It is made clear that the respondent No. 2-landlord will not be responsible or liable to pay current electricity charges on the meter which is being installed in the name of the petitioner. The petitioner will furnish and give details of his bank account and permanent address to the respondent-Distcom.

5. This Order is passed without prejudice to the rights and contentions of the petitioner and the respondent No. 2 in respect of their inter se dispute.

With the above directions, the Writ Petition is disposed of.