
(2010) 02 DEL CK 0183
In the Delhi High Court
Case No : Writ Petition (C) 16528 of 2006

Suresh Tiwari

APPELLANT

Vs

N.D.P.L.

RESPONDENT

Date of Decision : 17-02-2010

Acts Referred:

Citation : (2010) 02 DEL CK 0183

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : V.K. Goel, for the Appellant; Vikram Nandrajog and Sushil Jariwal, for the Respondent

Final Decision : Dismissed

Judgement

Sanjiv Khanna, J.—The petitioner has impugned a letter dated 29.09.2006 issued by the respondent stating inter alia that dues of Rs. 3,40,820/- is outstanding against electricity connection of the petitioner's premises bearing No. K. No. 35400131735 H. The letter further states that if the said amount is not paid within 15 days, the same shall be transferred to K. No. 35400134174 C as live connection.

2. K. No. 35400131735 H was installed in the name of Mr. Mohan Lal for ground floor of property bearing No. 2/71, Harijan Basti, Rohtak Road, Delhi. K. No. 3540013174 C is in the name of the petitioner and is installed in the same property to record consumption of electricity supplied to the first floor.

3. The petitioner purchased the ground floor by way of documents executed on 21.06.1995 and on the said date became owner of the entire building constructed on the property measuring 48 sq.yds.

4. Learned Counsel for the petitioner does not dispute the outstanding amount and the liability of Rs. 3,40,820/- which is payable on K.35400131735 H. However, two contentions are raised. It is submitted that ground floor of the property is a separate premises and therefore, decision of this Court in Mrs.

Madhu Garg and Another Vs. North Delhi Power Ltd., is not applicable. Secondly, it is submitted that Mohan Lal subsequently become a tenant and occupied the ground floor after he had sold the property to the petitioner, therefore, the said dues cannot be claimed from the petitioner.

5. The outstanding dues of Rs. 3,40,820/- of K. No. 35400131735 H are for the period of September, 2003 to September, 2006. It is the case of the petitioner himself that he has purchased the ground floor of the property from Mr. Mohan Lal on 21.06.1995. Thereafter, the petitioner became the owner of the entire building on the said plot of land. I am not inclined to accept the submission of the petitioner that ground floor should be considered as distinct property/premises and the electricity dues of the ground floor cannot be clubbed with the electricity dues payable for the first floor. Both ground floor and first floor are owned by the petitioner and the amount due also relates to the period after 21.06.1995, when the petitioner had purchased the ground floor.

6. The petitioner has not placed any evidence or material on record to establish that the ground floor of the property was let out to Mr. Mohan Lal after he had sold the property to the petitioner in 1995. There is no rent agreement, rent receipt or any other document on record to prove the tenancy of Mr. Mohan Lal. In fact, the petitioner had filed affidavit dated 25.01.1999 with the respondent erstwhile DVB that he was the owner of the entire property including the ground floor and first floor.

7. In the present case, the petitioner is admittedly the owner of the first floor and second floor w.e.f. 21.06.1995 and the electricity dues also pertain to the period September, 2003 to September, 2006. Ground floor and the first floor are constructed on the same plot. It would therefore, not to be correct to treat ground floor and first floor as separate properties for electricity billing. The respondent is entitled to transfer the dues in respect of the electricity connection of the ground floor to the electricity connection relating to the first floor.

The writ petition has no merit and is dismissed.