

IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL
JUDGE, DELHI (WEST)-02

SUIT NO. /2020

Isha Bhatia

Plaintiff

Versus

BSES Rajdhani Power Ltd.

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date: 27/06/2020 (2.00 P.M to 2.20 P.M)

Present:- Sh. Manoj Gahlaut, Ld. Counsel for plaintiff. (Mobile No.9717266273, 9211324585)

(E-mail ID of Sh. Manoj Gahlaut : Manoj28gahlaut@gmail.com)

1. Ld. Counsel for the plaintiff has argued on the point of consideration. Briefly stated, the plaintiff has filed the present suit seeking a decree of mandatory injunction that defendant/BSES be directed to restore the electricity supply at the premises of the plaintiff i.e. F-19, Third Floor, Vishnu Garden, New Delhi bearing CA No.152678504. It is an admitted case of the plaintiff that the said electricity meter is in the name of the previous owner one Smt. Meena Sharma from whom the plaintiff has purchased the suit property.

2. It is stated that vide award passed by Permanent Lok Adalat

on 03/09/2019, it was agreed between the parties that the plaintiff would pay an amount of Rs.41,810/- to the defendant in three installments. It is further stated that out of the said amount, the first installment of Rs.16,810/- was paid and the balance amount of Rs.25,000/- was to be paid in two equal installments of Rs.12,500/- each on or before 13/10/2019 and 13/11/2019 respectively. Furthermore, admittedly the plaintiff has not complied with the terms and conditions of the award dated 03/09/2019 and the electricity connection in respect of the aforesaid suit property was disconnected by the defendant on 29/11/2019.

3. It is stated that the plaintiff and her family members are residing at her mother's house in Tilak Nagar, New Delhi. It is stated that the plaintiff is ready and willing to pay the balance amount as agreed under the award to the defendant in future installments. In the injunction application accompanying the suit, plaintiff has prayed for restoration of the electricity supply which is also the final relief the plaintiff has sought in the present suit.

4. Ld. Counsel for the plaintiff has vehemently argued that the electricity supply be directed to be restored as the plaintiff is willing to pay the balance amount in installments. The court is not convinced with the arguments advanced by the counsel for plaintiff as admittedly the award passed by the Permanent Lok Adalat-II dated 03/09/2019 whereby a settlement was agreed between the parties and the plaintiff was required to pay an amount of Rs.41,810/- in three installments, has not yet been fulfilled by the plaintiff which was required to be fulfilled until 13/11/2019.

5. Facts of the case also reveals that the present case is not of urgent nature as the disconnection of the electricity was done by Defendant in November, 2019 and since thereafter, plaintiff has admittedly not taken any steps for restoration of the electricity. Needless to say that relief of injunction is an equitable relief where the litigant who approaches the court is expected to come to the court with clean hands. More so, it does not appear that any legal right of the plaintiff has been infringed in the present case by the defendant as the plaintiff is admittedly herself in default.

6. It is not even the case of the plaintiff that the defendant is not restoring the electricity despite making the payment. Rather, the only case of the plaintiff is that the defendant/BSES further grant time to the plaintiff to make the payment as per the settlement amount in future installments. The court is not inclined to issue summons at this stage as no case is yet made out against the defendant/BSES and case of the plaintiff appears to be premature.

The court is taking a liberal view and granting one opportunity to the plaintiff to deposit the entire amount as per the settlement dated 03/09/2019, before the next date of hearing and place the payment receipts on record.

Put up for further proceedings/consideration on 24/07/2020.

A copy of this order be sent to the Ld. Counsel for plaintiff and also to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.27/06/2020