

\$~31

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

% *Judgment delivered on: 27th May, 2015*

+ W.P.(C) 875/2015

BALJINDER SINGH

..... Petitioner

Represented by: Mr. Sharat Kapoor and Ms. Neetu Singh, Advs.

versus

CEO, BSES YAMUNA POWER LTD.

..... Respondent

Represented by: Mr. Raghav Chadha, Adv. for R1.
Mr. Medhanshu Tripathi and
Mr. Harish Sharma, Advs. for R2.
Mr. G.D. Mishra, Standing Counsel for R4.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (ORAL)

1. Vide the present petition, petitioner seeks directions thereby directing the respondent no. 1 to grant electricity connection in his name at C-301, Mayur Dhvaj Apartment, Plot no.-60, I.P. Extension, Delhi – 92.
2. Ld. Counsel appearing on behalf of the respondent no. 1 submits that they have no objection to grant the electricity connection, but that is subject to the settlement of the two theft bills raised against the said property.
3. Ld. Counsel appearing on behalf of respondent no. 2 has objected the instant petition and submits that the petitioner was caught earlier in a theft case of electricity and he may again commit the same offence and respondent no. 1 may raise the electricity bills against the premises of

respondent no. 2 / landlord.

4. Similar issue came before this Court in catena of cases. In *W.P.(C) 554/2015, titled as Monika Tripathy v. Mukesh Kumar*, the Coordinate Bench of this Court on 19.03.2015 directed the Electricity Company to give connection in the name of the petitioner therein.

5. It is not in dispute that petitioner is the tenant of respondent no. 2 and is in possession of the property in question.

6. In view of above, respondent no. 1 is directed to process the petitioner's application for installation of fresh electricity connection without insisting for 'No Objection Certificate' or title documents from the petitioner. However, the petitioner shall have to complete all other procedural and commercial formalities.

7. The petitioner is further directed to:

- a) Clear all outstanding electricity dues as on date in respect of the subject premises.
- b) Deposit an amount of Rs.10,000/- to respondent no. 1 towards additional security.
- c) He shall continue to pay the consumption charges as raised by respondent no. 1 every month.

8. On the other hand, respondent no. 1 is directed not to adjust the security amount against the current demand raised against the petitioner. It shall refund the security amount, but that shall be subject to his vacating the premises or any eviction order is passed against him subject to adjustment of

electricity dues, if any, on account of arrears. Respondent no.1 shall have the right to disconnect the electricity in case current dues are not paid.

9. It is clarified that the aforesaid directions are without prejudice to the rights and conditions of either of the parties in the Writ Petition.

10. It is further made clear that the present order of granting electricity connection will not be treated as having conferred any ownership or title or possessionary rights on the petitioner with regard to the subject premises.

11. It is further made clear that order passed by this Court shall not come in the way of the Trial Court proceedings with the matters pending before it.

12. In view of the above terms, the present petition is allowed with no order as to costs.

13. *Dasti* to both the parties.

SURESH KAIT, J

MAY 27, 2015

jpg