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

Judgment delivered on: 24th April, 2015

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W.P.(C) No. 4071/2015

NICE CHARITABLE & WELFARE SOCIETY Petitioner

Represented by: Mr. Shakil Akhtar, Advocate.

Versus

M/S BSES RAJDHANI POWER LTD. & ORS. Respondents

Represented by: Mr. Raghav Chadha, Advocate
for Respondent No.1.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CM No. 7285/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

W.P.(C) 4071/2015

1. Vide the present petition, the petitioner seeks directions thereby setting aside the rejection letter dated 01.12.2014 of the respondents and directing them to immediately provide electricity connection to the petitioner at 1853, C/10, Ground Floor, Govindpuri Extension, Kalkaji, New Delhi.

2. The present petition has been filed through Shiv Shankar Gupta, who is running a charitable and welfare society at the said premises. It is not in dispute that said Shiv Shankar Gupta is the proprietor of M/s Rama Oil Mill, which is also being run in a part of the premises noted above. The owners of the premises in question are Shiv Shankar Gupta and his family. It is also not disputed that M/s Rama Oil Mill has electricity dues of around Rs.7,00,000/-.

3. Admittedly, petitioner's Society is having electricity in premises occupied, however, has applied for separate connection through Shiv Shankar Gupta, which has been rejected by the respondents for the reason that amount is due against the said person and the same premises.

4. In the case bearing CM(M) No.155/2009, titled as '***Izhar Ahmad & Anr. Vs. B.S.E.S. Rajdhani Power Ltd., & Anr.***', decided on 02.03.2009, this Court has taken a view that if owner of a premises applying for a re-connection/or a fresh connection of electricity by virtue of Regulation 15 of the Delhi Electricity Supply Code and Performance Standards Regulations, 2007, has to pay all dues which would include even payment of direct theft bill with regard to said connection.

5. Moreover, the Regulation is clear and unambiguous in its intent and language and ensures that electricity companies do not have to 'run around' to recover their dues and any person who applied for re-connection makes payments of all dues including surcharges and

payment of fraudulent abstraction charges before grant of new connection or reconnection of the said premises.

6. In the present case also, the dues are pending against Shiv Shankar Gupta, being the owner of the premises. Now, he has applied for a new connection without clearing the said dues, which cannot be permitted.

7. In view of the above discussion, I do not find any ground in the present petition. The same is accordingly dismissed.

SURESH KAIT, J.

APRIL 24, 2015

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