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

Judgment delivered on: 28th May, 2015

+ W.P.(C) 5537/2015

BABITA

..... Petitioner

Represented by: Mr. Ajay Gulati, Adv

Versus

BSES RAJDHANI POWER LIMITED

AND ORS.

..... Respondent

Represented by: Mr. Manish Srivastava,
Adv. for R1.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CM. No.9951/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **W.P.(C) No. 5537/2015**

1. Vide the present petition, petitioner seeks directions thereby directing the respondent no. 1 to install a fresh electricity connection for supplying electricity to the 3rd floor of the premises bearing House No. C-389, Shiv Gali, Punjabi Bazar, Kotla Mubarakpur, Delhi.

2. Ld. Counsel appearing on behalf of the respondent no. 1 on advance notice submits that they have no objection to grant the electricity connection in favour of the petitioner, provided the petitioner pay all the electricity dues regarding the premises mentioned above.

3. 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.

4. In addition, in ***W.P.(C) 875/2015, titled as Baljinder Singh v. CEO, BSES Yamuna Power Ltd.***, while allowing the petition, this court inter alia passed similar directions.

5. It is not in dispute that petitioner has been residing in the premises mentioned above and is in possession thereof. Therefore, notice to respondent no.2 has not been issued.

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) She 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 subject to her vacating the premises or any eviction order is passed against her 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 contentions of the parties.

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, if any.

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

13. *Dasti* to both the parties.

CM. NO. 9950/2015

Dismissed as infructuous.

SURESH KAIT, J

MAY 28, 2015

rb/jg