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

+ W.P.(C) 6704/2014 & CM 21255-56/2014

USHA SHARMA

..... Petitioner

Through: Mr. Rajiv Ranjan proxy for Mr.
Manish Kr. Singh, Advocate

versus

BSES YAMUNA POWER LTD. & ANR.

..... Respondents

Through: Mr. Manish Srivastava, Advocate for
respondent No.1
Mr. S. Mukerjee, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **28.04.2016**

1. The petitioner is seeking an electricity connection for domestic use in property bearing No.1052, Kuncha Natwa, Chandni Chowk, Delhi. Respondent No.1 has not granted the electricity connection to the petitioner on account of the objections filed by the respondent No.2. The petitioner and respondent No.2 are litigating with each other with respect to the title and possession of the subject property and number of cases are pending in various Courts.

2. In the facts and circumstances of this case and considering that the electricity is a basic requirement, the petition is allowed and respondent No.1 is directed to sanction an electricity connection in the petitioner's name subject to the following conditions:

- i. The petitioner shall submit a fresh application with respondent No.1 for an electricity connection which shall be processed as per rules and

other commercial formalities but without insisting on the NOC from respondent No.2.

- ii. The petitioner shall deposit Rs.15,000/- additional security deposit with respondent no.1 apart from normal security deposit.
 - iii. The petitioner shall regularly pay the consumption charges to respondent No.1.
 - iv. The security deposit shall not be adjusted against the payment of current normal security deposit.
 - v. The security deposit shall be refunded to the petitioner without interest as and when the petitioner evicts or vacates the premises subject to the adjustment of arrears at that stage.
 - vi. Respondent No.1 shall be entitled to disconnect the electricity in the event of non payment of current dues.
 - vii. The petitioner shall furnish the particulars of its bank account to respondent No.1.
 - viii. The respondent no.1 shall energise the fresh connection within three days after completion of all requisite formalities.
 - ix. This order shall not prejudice the petitioner and respondent No.2 with respect to their *inter se* disputes. The petitioner shall not claim any special equities on the basis of this electricity connection.
3. Pending applications are disposed of.

J.R. MIDHA, J.

APRIL 28, 2016

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