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

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Judgment delivered on: 25.01.2017

+ W.P.(C) 611/2017 & CM No. 2787/2017

BANARSI SINGH

..... Petitioner

versus

BSES RAJDHANI POWER LTD

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Rajesh Rai, Adv..

For the Respondent : Mr. Puneeth K. G., Adv. and Mr. Sunil Fernandes, Advocate
for BSES-RPL.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.01.2017

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner has filed the present petition seeking a mandamus to the respondent to provide electricity connection to the petitioner at premises No. RZ-N-246/3, Second Floor, Back Side, Raj Nagar-II, Palam Colony, New Delhi – 110045.

2. It is submitted that the petitioner is in possession of the property as tenant under Mr. Sanjay Gupta. It is contended that there is a dispute between Mr. Sanjay Gupta on the one side and Ms. Surbhi Gupta and Ms. Angoori Devi on the other, with regard to the

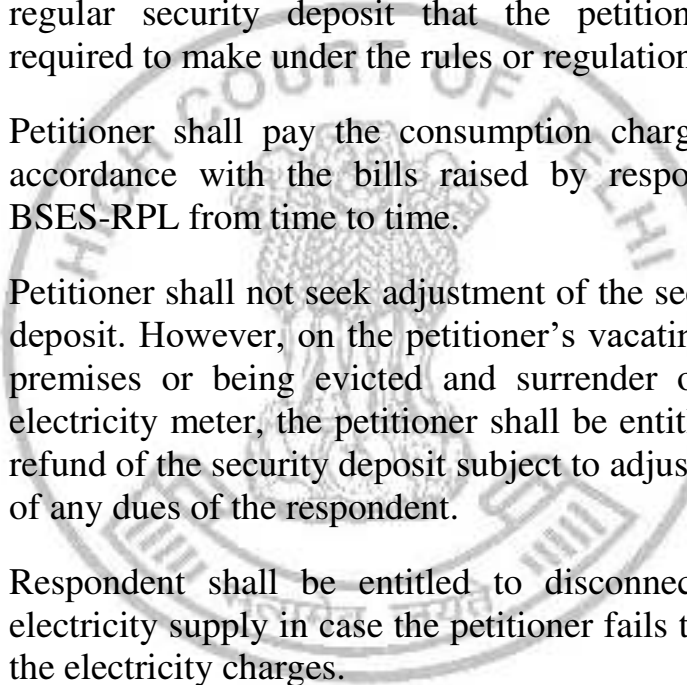
ownership of the property.

3. The petitioner contends that petitioner is a tenant under Mr. Sanjay Gupta and possession of the petitioner has been recognized by the court of Mr. Sanjay Kanghanwal, Addl. District Judge, (South-West) District in CS No. 516504/2016, titled 'Sanjay Gupta Vs. Angoori Devi' vide order dated 27.07.2016.

4. Learned counsel for respondent-BSES Rajdhani Power Limited submits that in terms of Delhi Electricity Supply Board and Performance Standard Regulations 2007 there is a requirement for every occupant to obtain a National Objection Certificate from the owner/landlord of the premises.

5. The petitioner is in possession of the subject property and electricity is an essential requirement for use and enjoyment of the property. The petitioner has been able to show that there is a dispute pending with regard to the ownership of the property where one of the claimants is the landlord of the petitioner who has no objection to the grant of electricity connection. The petitioner on account of the dispute with regard to ownership, would be thus deprived of the use of the property of which the petitioner is a tenant under one of the claimants.

6. Without prejudice to the dispute about ownership, the respondent is directed to grant a fresh electricity connection to the petitioner subject to the following conditions: -

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- i. Respondent shall process the petitioner's application for installation of a fresh electricity connection without insisting on a NOC from the owner.
 - ii. Petitioner, shall comply with all the procedural and other formalities of the respondent BSES-RPL.
 - iii. Petitioner shall also deposit a sum of Rs. 10,000/- with the respondent BSES-RPL in addition to the regular security deposit that the petitioner is required to make under the rules or regulations.
 - iv. Petitioner shall pay the consumption charges in accordance with the bills raised by respondent BSES-RPL from time to time.
 - v. Petitioner shall not seek adjustment of the security deposit. However, on the petitioner's vacating the premises or being evicted and surrender of the electricity meter, the petitioner shall be entitled to refund of the security deposit subject to adjustment of any dues of the respondent.
 - vi. Respondent shall be entitled to disconnect the electricity supply in case the petitioner fails to pay the electricity charges.

7. Application of the petitioner shall be processed and electricity connection shall be installed within two working days of the petitioner completing all the formalities.

8. It is clarified that this order is without prejudice to the rights and contentions of either parties and shall not be considered as granting any special equity in favour of the petitioner. This order shall

not be construed as conferring any tenancy or possessory right on the petitioner with regard to the subject property and would be without prejudice to the pending dispute with regard to the ownership of the property between Mr. Sanjay Gupta and Ms. Surbhi Gupta or Ms. Angoori Devi.

9. The writ petition is disposed of in the above terms.

10. Order *dasti* under signatures of the Court Master.

JANUARY 25, 2017
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SANJEEV SACHDEVA, J

