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

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W.P.(C) 9242/2016

DHARAMPAL

..... Petitioner

Through: Mr. Sudeep Dey, Advocate.

versus

BSES RAJDHANI POER LIMITED

..... Respondent

Through: Mr. Puneet K.G., Advocate for Mr. Sunil  
Fernandes, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**31.01.2017**

Present writ petition has been filed challenging the order dated 12<sup>th</sup> November, 2015 passed by respondent-BSES wherein petitioner's request for new electricity connection for the front portion of the property bearing No.I-121, Lajpat Nagar, New Delhi, was not processed on the ground that the property papers had not been furnished.

Today, learned counsel for respondent admits that the issue raised in the present writ petition is covered by a judgment of this Court in ***Ruksana Bano Vs. BSES Rajdhani Power Limited, W.P.(C) 2645/2013 decided on 24<sup>th</sup> July, 2013.*** The order passed by this Court in the aforesaid case is reproduced hereinbelow:-

*“Present writ petition has been filed under Article 226 of the Constitution of India seeking a direction to respondent to install a new electricity connection in petitioner's name vide*

*Request No. 8000868092.*

*The respondent has denied the electricity connection on the ground that she has not been able to produce either any title or ownership document or no objection certificate from other family members.*

*A perusal of the paper book reveals that the petitioner is having dispute with her father-in-law and mother-in-law as well as other family members.*

*Learned counsel for respondent no. 2 states that respondent no. 2 has already filed a suit for declaration and possession before Civil Judge, Saket Court, New Delhi.*

*However, keeping in view the fact that petitioner is in settled occupation of the premises and that the electricity is an essential requirement without which no one can enjoy a premises, this Court directs the respondent to grant a fresh connection to the petitioner, subject to following directions:-*

- 1. Respondent is directed to process the petitioner's application for installation of fresh electricity connection without insisting on a no objection certificate or title documents from the petitioner. However, petitioner shall have to comply with all other procedural and commercial formalities.*
- 2. Petitioner is directed to deposit with respondent Rs. 5,000/- as additional security deposit.*
- 3. Petitioner will continue to pay consumption charges as raised by the respondent every month. The security charges will not be adjusted against payment of current dues. The security amount will be refunded to the petitioner without interest if and when the petitioner either vacates the premises or an eviction order is passed against her, subject to adjustment if any on account of arrears. The respondent will be entitled to disconnect electricity in case current dues are not paid.*
- 5. The petitioner will furnish and give details of her bank account and permanent address to the respondent.*

*It is clarified that aforesaid order is without prejudice to the rights and contentions of other co-owners including petitioner's father-in-law and mother-in-law. Further, the present order of grant of electricity connection will not be treated as having conferred any ownership or title or possessory rights upon the petitioner with regard to present premises.*

*With the aforesaid observations, present petition and applications stand disposed of.*

*Order dasti."*

Learned counsel for petitioner has no objection if the present writ petition is disposed of in the similar terms.

Consequently, the present writ petition is disposed of with the following directions:-

1. Respondent is directed to process the petitioner's application for installation of fresh electricity connection without insisting on a no objection certificate or title documents from the petitioner. However, petitioner shall have to comply with all other procedural and commercial formalities.
2. Petitioner is directed to deposit with respondent Rs.5,000/- as additional security deposit.
3. Petitioner will continue to pay consumption charges as raised by the respondent every month. The security charges will not be adjusted against payment of current dues. The respondent will be entitled to disconnect electricity in case current dues are not paid.
4. The petitioner will furnish and give details of his bank account and permanent address to the respondent.

5. Respondent shall provide the electricity connection to the petitioner within forty-eight hours of the petitioner complying with the aforesaid formalities.

**MANMOHAN, J**

**JANUARY 31, 2017**

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