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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8428/2017**

SHEIKH ABEDIN

..... Petitioner

Through: Mr. M. Hasibuddin and Mr. Mohd.
Asif, Advs.

versus

BSES YAMUNA POWER LTD

..... Respondent

Through: Mr. Raghav Chadha, Adv.
Mr. S.P. Pandey, Adv. for proposed
respondent in CM. No. 2463/2018

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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02.02.2018

The present petition has been filed by the petitioner with the following prayers:

” In the lights of above mentioned facts and circumstances of the case, it is therefore most respectfully prayed that this Hon’ble court may be pleased to:

a. Direct the respondent to provide temporary / permanent electricity connection in the name of petitioner over the Property bearing No. 229, Khasra No. 431/260, Joga Bai Extn., Nafees Road, Batla House, Jamia Nagar, New Delhi – 110025 in the interest of justice.

Pass any other or further orders as this Hon’ble Court deem fit and proper in the given facts and circumstances of the case.”

It is the case of the petitioner that he has purchased a plot admeasuring 200 Sq. Yds. through General Power of Attorney, Agreement

to Sell and other relevant documents all dated July 9, 1996. It is his case, on July 26, 2016, petitioner had applied for a new connection for ground floor which has not been granted by respondent / BSES. Mr. Raghav Chadha, learned counsel appearing for the respondent / BSES states in view of the dispute, the petitioner has with Mr. Iqbal Ahmed, who claims to be the owner of the property, the connection has not been given.

Mr. S.P. Pandey, who appears for Mr. Iqbal Ahmed, whose impleadment has been sought by the petitioner vide CM. No. 2643/2018 in view of order passed by this Court on November 9, 2017 states, Mr. Iqbal Ahmed is the owner of the property and the petitioner herein is staying in the property as caretaker / lessee. He does not dispute the fact that the petitioner is in fact staying in the property in question. He also states, Mr. Iqbal Ahmed has no objection for providing electricity to the petitioner from his meter.

Mr. Chadha states, disputes between the Iqbal Ahmed and the petitioner would not be relevant for granting connection in view of the judgment passed by this Court. He has placed before me an order dated July 24, 2013 passed in W.P.(C) 2645/2013 wherein this Court had passed the following order:

“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.”*

It is also represented by the counsel for the parties that the petitioner and Iqbal Ahmed are in litigation before the District Court in a suit filed by the Iqbal Ahmed for eviction of the petitioner.

Noting the above, to avoid any further acrimony between the respondent and the petitioner and in view of the position of law reflected above and the limited relief, which the petitioner has claimed in the petition, it is directed, the BSES shall consider the case of the petitioner for connection as per the norms in vogue in the said respondent and on completion of commercial formalities by the petitioner, the connection shall be granted. While considering so, the BSES shall also consider the dictum of this Court as noted above and shall put similar conditions to the petitioner subject to any variation on the deposits/charges.

Suffice to state, this order shall not have any bearing on the merits of the case filed by Iqbal Ahmed against the petitioner before the District Court which shall be decided by the court on its own merit.

The petition stands disposed of.

CM. No. 2643/2018 (for impleadment)

In view of the aforesaid order, which has been passed after hearing Mr. S.P. Pandey, Adv. who appears for Mr. Iqbal Ahmed, this application is allowed. Amended memo of parties is taken on record.

V. KAMESWAR RAO, J

FEBRUARY 02, 2018/jg