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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8837/2015 & CM APPL. Nos. 19732-19733/2015,
10451/2016
KUSHAL ANAND Petitioner
Through: Mr. Mahendra, Adv.

versus

BSES YAMUNA POWER LTD. AND ANR Respondents
Through: Mr. Sunil Fernandes & Ms. Priyansha
I. Sharma, Advs. for R-1.
Mr. N. P. Singh, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **22.02.2019**

The petitioner is a lady, about 75 years of age, and is occupant of property bearing No. R-875 First Floor, New Rajinder Nagar, New Delhi. She claims to be in occupation of the subject premises as tenant of the deceased great-grand-father of respondent No. 2. The petitioner however does not attorn to respondent No. 2 as his tenant.

2. Learned counsel appearing for respondent No. 2 states that an Eviction Petition bearing No. 52/2014 filed by respondent No. 2 is pending before the concerned Rent Controller seeking the petitioner's eviction on the grounds available in Sections 14(1)(d) and 14(1)(h) of the Delhi Rent Control Act, 1958.

3. The petitioner's grievance is that respondent No. 1/ BSES Yamuna Power Ltd. is refusing to restore the electricity connection or to grant a new electricity connection to the petitioner in the subject premises for the reason

that the petitioner has not been able to furnish any document evidencing her ownership or tenancy of the subject premises nor a no-objection certificate from the owner/landlord.

4. Respondent No. 1 states that the aforesaid documents are required in compliance of Regulation 10(iii) of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 relating to proof of ownership or occupancy of premises. The petitioner and respondent No. 2 on the other hand say, that they can neither ask nor give such certificate since their tenant-landlord relationship is subject of the dispute pending before the Rent Controller.

5. Learned counsel appearing for respondent No. 1 states however, that respondent No. 1 is ready and willing to provide a new electricity connection in the subject premises, under directions of this court, *if* the petitioner fulfils all other commercial formalities and undertakes to pay installation charges, security deposit as also charges for electricity consumed from time-to-time.

6. I am of the view that the tenancy dispute between respondent No. 2 and the petitioner notwithstanding, electricity is an essential utility, which ought to be made available to the petitioner, who is stated to be residing in the subject premises.

7. Learned counsel appearing for respondent No. 2 states that he has no objection to the petitioner being granted a new electricity connection *provided* that the installation of such connection is not construed as legitimizing the status of the petitioner's occupation of the subject premises and does not prejudice the rights and contentions of respondent No. 2 in the eviction petition pending before the Rent Controller.

8. Accordingly, I dispose of this petition with the following directions:

(a) Respondent No. 1 shall install and energise a new electricity connection at the subject premises, within two weeks of the petitioner making an application in that behalf and fulfilling all commercial formalities including payment of installation charges and security deposit as may be required by respondent No. 1;

(b) For installing the new electricity connection however, respondent No. 1 shall *not* insist that the petitioner should furnish any proof of ownership or tenancy or a no-objection certificate from respondent No. 2 or any other party;

(c) The petitioner shall be bound to comply with all terms and conditions of installation of the new electricity connection, including payment of installation charges and security deposit; and, shall also pay the charges for electricity consumed as may be due from time-to-time.

9. It is made clear that nothing in this order shall be construed as an expression of opinion on the status of the petitioner's occupation of the subject premises; nor shall it *create* any right, title or interest of any nature in favour of the petitioner in the subject premises.

10. This order is entirely without prejudice to the rights and contentions of the petitioner as well as respondent No. 2 in Eviction Petition No. 52/2014 pending adjudication before the Rent Controller, which petition shall be decided without being influenced by anything contained in this order.

11. The petition stands disposed of in the above terms. Pending applications, if any, also stand disposed of.

12. *Dasti.*

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 22, 2019/uj