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

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Judgment delivered on: 06.05.2021

+ W.P.(C) 478/2021

ABDUL AMIR AMIRO

..... Petitioner

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Hemant Choudhary, Advocate.

For the Respondent: Mr. Buddy Ranganadhan, Mr. Anupam Varma, Mr. Nikhil Sharma and Mr. Aditya Gupta, Advocates for R-2.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. This petition has been listed in terms of order dated 28.04.2021 in W.P(C) 9101/2020. In view of the listing of the petition, next date of 25.08.2021 is cancelled.
3. Petitioner seeks a direction to the respondent to install electricity connection at the premises of the petitioner. Petitioner is the owner of a portion of a Mezzanine floor i.e. property No. 350 to 356, Mezzanine floor at Katra Budhan Rai (now known as White Rose Apartments) Delhi Gate Bazar Dariya Ganj, New Delhi.
4. Electricity connected was denied as the Building Height was more than 15 meters and fire clearance certificate was required.

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to HMJ Sanjeev Sachdeva.

W.P(C) 478/2021

Page 1

5. Learned counsel for the respondent submits out that after the filing of the petition, the DERC has amended the principal order i.e. the Schedule of charges and the Procedure (Sixth Amendment) Order, 2021 dated 15.04.2021, particularly Clause 2 of the same and inserted sub clause (3) and sub clause (4) which provides that in case the total height of the building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, electricity connection can be released in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking without insisting for fire clearance certificate.

6. Learned counsel for the petitioner submits that the Mezzanine floor is just above the ground floor and below the first floor and is well within the height of 15 meters.

7. Accordingly, this writ petition is disposed of with a direction that on petitioner making an application in the form as prescribed by the amended order dated 15.04.2021 and complying with the other financial and codal formalities, respondent BSES Yamuna Power Ltd shall grant the electricity connection to the petitioner for the subject floor.

8. Petition is allowed in the above terms.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

MAY 06, 2021/rk