

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

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Judgment delivered on: 4th February, 2021

+ **W.P.(C) 1438/2021**

AKASHDEEP SINGH

..... Petitioner

versus

BSES RAJDHANI POWER LTD & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Priyank Kher, Advocate (through video conferencing)

For the Respondents : Mr. Rishabh Raj Jain, Advocate for BSES-RPL (through video conferencing)

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPLN. 4097/2021 (Exemption)

Allowed, subject to all just exceptions.

W.P. (C) 1438/2021 & CM APPLN. 4096/2021 (interim dir)

1. Petitioner seeks a direction to the respondent no. 1- BSES-RPL to restore the electricity connection. It is contended that even though no bills are pending, electricity supply has been disconnected by

respondent no. 1/BSES-RPL.

2. Learned counsel appearing for respondent no. 1/BSES-RPL submits that though no dues are pending, however, the electricity connection was disconnected because respondent no. 2 who is the registered consumer requested for surrender of the meter and disconnection of the electricity supply and it was at the request of the registered consumer that the electricity connection has been disconnected.

3. Learned counsel for the petitioner submits that the petitioner was originally a tenant of the property, however, there was an agreement to sell between respondent no. 2 and the petitioner, consequent where to the petitioner is a prospective purchaser. He submits that petitioner is in possession of the subject property even though a suit for eviction has been filed by respondent no. 2 against the petitioner. He submits that no decree of possession has till date been passed. He further submits that the petitioner is willing to apply for a fresh independent connection in his favour.

4. Learned counsel for respondent no. 1/BSES-RPL submits that apart from the regular security deposit of Rs. 6600/-, since the petitioner does not have any title document in his favour, he would need to deposit an additional security deposit of Rs. 5000/-. Learned counsel for the petitioner is agreeable to the said deposit.

5. In view of the above, the writ petition is disposed of with liberty to the petitioner to apply for an independent electricity connection in his own name. On an application being filed by the petitioner, respondent no. 1 shall expeditiously process the application and if the application is in order and all commercial and other formalities are completed, electricity connection shall be granted within two working days. It will not be obligatory on the part of the petitioner to furnish a No Objection Certificate from respondent no. 2.

6. It is clarified that this order as well as grant of an electricity connection shall not grant any special equities in favour of the petitioner and same would be without prejudice to the rights and contentions of the parties.

7. The petition is disposed of in the above terms.

8. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 4, 2021

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