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

% Judgment delivered on: 25th May, 2021

+ W.P.(C) 3443/2021 & CM APPLN. 10466/2021

PARVAIZ AHMAD NAGAR Petitioner

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Kamlesh Kr. Mishra and Mr. Avinash Kumar,
Advocates

For the Respondents: Mr. Samaksh Goyal, Advocate for R-1
Ms. Pratima Gupta, Advocate for DERC/R-2
Mr. Buddy Ranganathan, Mr. Anupam Varma, Mr. Nikhil
Sharma and Mr. Aditya Gupta, Advocates for BSES-
RPL/R-3

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent No.3-Rajdhani Power Ltd. to accept the form of the petitioner for installation of new electricity meter in his name at premises bearing No. S-10/14A, 3rd Floor Flat, Right Side, Khasra No. 428/260, Joga Bai Extension, Jamia Nagar, New Delhi 110025 and to supply electricity to the petitioner.

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to HMJ Sanjeev Sachdeva.

W.P. (C) 3443/2021

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3. It is pointed out by learned counsel appearing for respondent No.3 that request for grant of electricity connection was rejected on 10.02.2021 on the ground that the building height was 17.95 meters and electricity connection could not be granted without a fire clearance certificate in terms of the directions of Delhi Electricity Regulatory Commission.

4. Learned counsel for the respondent submits that after the filing of the petition, 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.

5. Petitioner has filed a certificate dated 15.05.2021 which certifies that the building has a stilt parking and the height of the subject floor of the property is 49 ft. i.e. 14.93 meters. Said certificate has not been disputed.

6. Since, the subject floor for which an electricity connection has been applied for by the petitioner falls within the height of 15 meters, the same is covered by the amended clause 2 of the Schedule of

charges and the Procedure (Sixth Amendment) Order, 2021 dated 15.04.2021.

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-Rajdhani Power Ltd shall grant the electricity connection to the petitioner for the subject floor.

8. The petition is disposed of 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 by the Court Master.

SANJEEV SACHDEVA, J

MAY 25, 2021
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