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

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Judgment delivered on: 01.10.2021

+ W.P.(C) 11026/2021

PRABHAT KUMAR

..... Petitioner

versus

BSES RAJDHANI POWER LIMITED

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. M.P.Bhargava, Advocate.

For the Respondent:

Mr. Sunil Fernandes, Standing Counsel, BSES-RPL with Mr. Shubham Sharma, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent No.1 BSES Rajdhani Power Ltd to provide an electricity connection without lease agreement.
3. By order dated 28.09.2021, Mr. Arun Kumar Bhalla, landlord of the property was impleaded as respondent No.2. Notice was issued to respondent No.2, returnable for 30.09.2021.
4. On 30.09.2021, none appeared for the respondent No.2 despite

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to HMJ Sanjeev Sachdeva.

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service in the first call. The matter was passed over but could not be taken up thereafter and has accordingly been listed today.

5. Affidavit of service has been shared over the email of the Court Master. The same is taken on record.

6. Petitioner has stated that the notice was served on Mr. Ramakant who is the driver of respondent No.2 who has acknowledged the receipt after consulting respondent No.2. Copy of the intimation has also been forwarded on the Whatsapp number of respondent No.2 i.e. Mobile No.9810812299. Print out of the Whatsapp has also been annexed.

7. None has appeared for respondent No.2.

8. Petitioner along with the petition has annexed a lease agreement dated 16.11.2010 with regard to lease of the entire ground floor, terrace, lawns, open spaces, servant quarter situated at property No.434/4, Forest Lane, Neb Sarai excluding the basement.

9. Learned counsel for the petitioner submits that petitioner has also entered into an Agreement to Sell with respondent No.2 for purchase of the subject property but there is some dispute qua the same. He however submits that the present petition is restricted to grant of an electricity connection.

10. It is contended that the mother of the petitioner is very aged

being 102 years and respondent No.2 has disconnected the electricity supply by having the electricity meter removed.

11. Learned counsel appearing for respondent BSES Rajdhani Power Ltd submits that electricity connection was not granted as there was objection from the recorded owner of the property.

12. He submits that BSES Rajdhani Power Ltd is willing to grant a fresh connection subject to petitioner complying with the requisite commercial and other formalities and also paying extra security deposit of Rs.10,000/- over and above the regular security amount and further undertaking that petitioner shall pay the regular electricity bills as and when raised.

13. Learned counsel for the petitioner under instructions from the petitioner undertakes that petitioner shall duly pay the bills raised by the respondent from time to time. The undertaking is accepted.

14. In view of the above, writ petition is disposed of directing respondent No.1 to provide an electricity connection to the petitioner subject to petitioner complying with the requisite commercial and other formalities and depositing the extra amount as security deposit along with the regular security amount for the said connection and also regularly paying the bills as and when raised by respondent No.1.

15. It would not be obligatory on the part of petitioner to furnish a

No Objection Certificate from respondent No.2.

16. Further, 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 would be without prejudice to the rights and contentions of the parties.

17. If after grant of electricity connection, there is any resistance in installation of the electricity connection, appropriate police assistance shall be provided by the SHO Police Station Neb Sarai, if so requested by the officials of BSES Rajdhani Power Ltd.

18. Petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J.

OCTOBER 1, 2021

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