

\$~15

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

%

Judgment delivered on: 21.12.2021

+ W.P.(C) 12608/2021

SAVITA YADAV @ SAVITA

..... Petitioner

versus

BSES RAJDHANI POWER LIMITED

.....Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Saurabh Kansal & Ms. Ashu Chaudhary, Advocates.

For the Respondent: Mr. Sunil Fernandes, Standing Counsel with Mr. Shubham Sharma, Advocate for BSES-RPL.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks grant of electricity connection to his property bearing No. E-308, Sanjay Colony, Okhla Industrial Area, Phase- II, New Delhi- 110020.

2. Petitioner is alleged to have purchased the property by way of Agreement to Sell etc. and claims to be in possession of the property and claims to have paid the entire sale consideration.

3. Learned counsel appearing for the respondent BSES Rajdhani

Signature Not Verified

Digital Signed By: KUNAL
MAGGU
Signing Date: 21.12.2021 10:34:03
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

W.P(C) 12608/2021

Digitally Signed 1
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 21.12.2021
21:03

Power Ltd submits that the electricity connection was denied on account of the fact that a complaint was received from Mr. Amarjeet Yadav, who claimed to be the earlier owner of the jhuggi and he had stated that he had sold the jhuggi to the petitioner and petitioner had not paid the entire sale consideration and a sum of Rs.1,50,000/- was still due and payable.

4. This is disputed by learned counsel appearing for the petitioner. He submits that Mr. Amarjeet Yadav had sold the property and even in the Agreement to Sell it is recorded that full and final payment has been duly received. Learned counsel submits that till date no proceedings have been initiated by Mr. Amarjeet Yadav challenging any of the transfer documents in favour of the petitioner.

5. By order dated 10.11.2021, Mr. Amarjeet Yadav was impleaded as a party. Thereafter, notice was directed to be issued to him. As per the office report notice was sent to Mr. Amarjeet Yadav on his whatsapp number and the same has been duly served. None appears for Mr. Amarjeet Yadav.

6. BSES Rajdhani Power Ltd has refused the connection on the ground that there is a complaint received from the earlier owner about non payment of the sale consideration. BSES Rajdhani Power Ltd is not an adjudicating authority to adjudicate title disputes between the parties. Even if there was a dispute between the seller of the property

and the petitioner, BSES Rajdhani Power Ltd should not have declined to grant an electricity connection unless there was a restraint order from a Court of law.

7. I am unable to sustain the rejection of the connection on the said ground by BSES Rajdhani Power Ltd.

8. Accordingly, on petitioner completing the financial and codal formalities for grant of an electricity connection, respondent BSES Rajdhani Power Ltd shall grant the electricity connection in accordance with the rules.

9. Petition is allowed in the above terms.

10. It is clarified that this orders shall not amount to recognition of the title of the petitioner to the said property and shall be without prejudice to the dispute of title between Mr. Amarjeet Yadav and the Petitioner.

11. Order *dasti*.

SANJEEV SACHDEVA, J.

DECEMBER 21, 2021/rk

Note: Later at about 04.25 p.m. Mr. Amarjeet Yadav appeared in person. He has been apprised of the order.