



\$~44

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

% Judgment delivered on: 07.03.2022

+ **W.P.(C) 3819/2022 & CM. APPLS.11316-17/2022**

SHRI ASHOK PANWAR & ANR.

..... Petitioner

versus

BSES RAJDHANI POWER LIMITED & ANR.

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. S.S. Panwar, Ms. Nivedita Panwar and Mr. Rajendra Kumar Kamti, Advocates.

For the Respondent: Mr. Sunil Fernandes, Standing Counsel with Mr. Shubham Sharma, Advocates for BSES Rajdhani Power Ltd.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek a direction to the respondent to grant a fresh electricity connection in the name of either of the petitioners at shop in property No.125, Shahpur Jat, New Delhi, more particularly, shown and marked as shop No. B in site plan annexed to the petition (Annexure P-5).

2. Learned counsel for petitioners submits that there is an ongoing



dispute with the family members of the petitioners and a Suit for partition has been filed by petitioner No.1. He submits that even though there is an interim order in favour of the petitioner No.1 dated 09.11.2021 in CS (OS) 580/2021, protecting the possession of the petitioner No.1, electricity supply has been disconnected by the defendants to the suit.

3. He submits that without prejudice to the said suit, an application was made by Petitioner No. 2 who is the son of Petitioner No. 1 and running his shop there from, for grant of a fresh electricity connection, but the same was rejected on the ground that there was an ongoing title dispute and court case pending in respect of the said property.

4. It is stated by learned counsel for petitioners that since petitioner No.2 is the son of petitioner No.1 and is running the shop from the said premises, petitioner No.1 has given a 'No Objection Certificate' in favour of respondent No.2 for obtaining an electricity connection in his name. Petitioner No.1 is further willing to execute any further document required by the BSES Rajdhani Power Ltd. for grant of an electricity connection in favour of Petitioner No. 2.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondents.

6. Learned counsel for respondents submits that since there was a



Civil Suit pending, connection has not been granted.

7. It is not in dispute that petitioners are in possession of the subject property. Mere pendency of the Civil Suit would not be a ground to disentitle the petitioners from obtaining an electricity connection in their name, particularly, in view of the fact that the petitioners are in possession of the subject property.

8. In view of the above, this petition is allowed. Respondent/BSES Rajdhani Power Ltd. is directed to grant an electricity connection to the petitioners, subject to petitioners complying with the requisite codal and financial formalities for grant of an electricity connection.

9. It is clarified that the grant of electricity connection in favour of the petitioners would not amount to acknowledgement of any right in favour of the petitioners and shall also not grant any special equity in favour of the petitioners and the same would be without prejudice to the Rights and contentions of the Defendants in the Suit filed by the Petitioner No. 1.

10. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

MARCH 07, 2022

NA