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

% Judgment delivered on: 03rd March, 2022

+ W.P.(C) 3124/2021&CM APPL. 9480/2021&CM APPL.
13621/2021

PUNITA BHARDWAJ Petitioner

versus

BSES RAJDHANI POWER LTD & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Abhimanyu, Advocate

For the Respondents: Mr. Sunil Fernandes Standing Counsel with Mr. Shubham
Sharma, Advocate for R-1/BSES-RPL
Mr. Roopansh Purohit and Mr. Rohit Yadav, Advocates for
R-2

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner seeks a direction to the respondent no. 1 to provide a fresh electricity connection to the petitioner or in the alternative to restore the electricity supply of the petitioner through the existing meter.

2. It is contended that the petitioner along her old parents are residing in the subject property.

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3. Learned Senior Counsel for the petitioner submits that there is an ongoing dispute with respondent no. 2 and respondent No. 2 has set up a sale deed in respect of the subject property in his favour.

4. He submits that the petitioner has already filed a suit for cancellation of the sale deed and respondent no. 2 has filed a suit for possession of the property and both the Suits are pending adjudication.

5. Further it is contended that the petitioner has been in continuation possession of the subject property since 2007 and has been enjoying the electricity supply to the said premises.

6. It is submitted that based on the sale deed, respondent no. 2 had got the electricity meter, which was originally in the name of the petitioner, changed into his own name and has thereafter made a request for disconnection of the electricity supply.

7. Learned Senior Counsel for the petitioner submits that a Suit for injunction was filed in 2019 against disconnection of the electricity supply and there was an interim protection granted to the petitioner. On 03.03.2021 application for injunction has been dismissed. Learned Senior Counsel submits that an appeal has been filed against the order which is pending before the appellate Court.



8. He submits that petitioner is seeking an independent electricity connection in the property, without prejudice to the rights and contentions of the parties and pending adjudication of the rights of the parties in the Suits.

9. This is disputed by Learned Counsel for the Respondent No. 2.

10. By order dated 08.03.2021 noticing that the petitioner has been admittedly in possession of the subject property since 2007 and has been enjoying the electricity supply, respondent/BSES-Rajdhani Power Ltd. was directed to restore the electricity supply to the meter that already stood installed in the premises.

11. It is informed that the electricity supply has since been restored.

12. Learned counsel appearing for BSES-RPL submits that the electricity supply was disconnected because of an intimation received from the South Delhi Municipal Corporation for disconnection of electricity supply on the ground that there was unauthorized construction in the shape of additional/alterations at ground floor and first floor without prior permission of the SDMC.

13. Learned counsel appearing for the petitioner submits that the petitioner has already filed an appeal before the Appellate Tribunal – MCD impugning the coercive action taken by the SDMC and by order



dated 06.09.2019 coercive action contemplated by the Corporation has been stayed.

14. Since there is a direction by the SDMC to the BSES-RPL directing them to disconnect the electricity supply to the premises occupied by the petitioner, no independent connection can be granted to the petitioner unless the petitioner succeeds in the appeal filed before the Appellate Tribunal – MCD.

15. Accordingly, this petition is disposed of directing the respondent/BSES-RPL not to disconnect the electricity supply to the existing meter subject to petitioner paying the regular electricity bills.

16. This, however, will be subject to the outcome of the appeal filed by the petitioner which is stated to be pending before the Appellate Tribunal – MCD and would be without prejudice to the respective Suits pending between Petitioner and Respondent No. 2 and would not amount to acknowledging any right of or conferring any special equities in favour of the Petitioner..

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

SANJEEV SACHDEVA, J

MARCH 3, 2022
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