



* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7839/2022

Date of Decision: 14.07.2022

IN THE MATTER OF:

MOHD. KASIM

..... Petitioner

Through: Mohd. Hasibuddin, Advocate.

versus

BSES RAJDHANI POWER LIMITED & ANR.

..... Respondents

Through: Mr. Shubham, Advocate for
BSES/respondent No.1.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

1. By way of the present petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction to respondent No.1/BSES to allot/install electricity meter connection in his name at *Jhuggi bearing No. S-66/28, Pratap Camp, Nehru Nagar, New Delhi – 110065* (hereinafter, referred to as the '*subject property*').

2. Learned counsel for the petitioner submits that the petitioner is the owner/occupant of the subject property, who had applied for an electricity connection in his name, however, the same has not been provided till date. It is further submitted that it has come to the knowledge of the petitioner that



respondent No.2, who is his real uncle, had objected to the aforesaid grant of electricity connection. Learned counsel also submits that respondent No.2 used to own *Jhuggi bearing No.S-66/24, Pratap Camp, Nehru Nagar, Near Gurudwara, New Delhi-110065*, and electricity connection vide CA No.151970601, which on the sale of the said *jhuggi* was not transferred to the new owner and rather reported as stolen.

3. Issue notice.

4. Learned counsel appearing for respondent No.1/BSES accepts notice and submits that the petitioner had preferred an application seeking electricity connection in respect of the subject property, however, the same was rejected. He further submits that a representation was received from respondent No.2/*Mohd. Munif* objecting to the grant of electricity connection in favour of the petitioner.

Learned counsel however, on instructions, also submits that the answering respondent has no objection to the grant of electricity connection in favour of the petitioner, provided he files fresh application in this regard.

5. In view of the above, the petition is disposed of in the following terms:

- (i) Petitioner shall make an application for grant of a fresh prepaid electricity connection in his own name.
 - (ii) Petitioner shall comply with all the codal and commercial requirements of respondent No.1/BSES.
 - (iii) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No.1/BSES from time to time.
 - (iv) Petitioner shall not seek adjustment of the security deposit.
- However, on his vacating the premises or being evicted and surrender



of the electricity meter, petitioner shall be entitled to refund of the security deposit subject to adjustment of any dues of respondent No.1/BSES.

(v) Respondent No.1 shall be entitled to disconnect the electricity supply in case the petitioner fails to pay the electricity charges.

(vi) Application of the petitioner shall be processed expeditiously, as and when filed, and electricity connection shall be installed within two working days of his completing all the formalities.

6. It is clarified that this order is without prejudice to the rights and contentions of the parties/any other person and shall not be construed as recognising rights of any nature whatsoever, including ownership rights of the petitioner with regard to the subject property. The observations made hereinabove are *prima facie* in nature. As such, no special equities shall flow in favour of the petitioner on account of this order.

7. The writ petition is disposed of in the above terms.

(MANOJ KUMAR OHRI)
JUDGE

JULY 14, 2022

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