



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

+ **W.P.(C) 8095/2022**

Date of Decision: 24.05.2022

IN THE MATTER OF:

SH. DEV CHAND

..... Petitioner

Through: Mr. Sparsh Chaudhary, Advocate

Versus

BSES YAMUNA POWER LTD. & ANR.

..... Respondents

Through: Mr. Akhi Hasija, Advocate for
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 Yamuna Power Ltd. to either re-install the electricity meter No. 70198907 or issue a new electricity connection in the name of the petitioner at the property bearing No. IX/7039, 2nd Floor, Gurunanak Gali, Gandhi Nagar, Delhi-110031.

2. During the course of submissions, learned counsel for the petitioner submits that he is restricting his prayer only for installation of a new electricity connection.

3. Learned counsel for the petitioner submits that the petitioner is a tenant in the subject property and on account of certain disputes existing



with the landlord, electricity supplied to the portion occupied by the petitioner has been disconnected.

4. Issue notice.

5. Learned counsel appearing for respondent No. 1/BSES Yamuna Power Ltd. accepts notice and submits that the landlord had filed suit for possession and objected to grant of electricity connection in the name of the petitioner. It is submitted that till date, the petitioner has not even filed a formal application for the electricity connection. He, however, submits that the answering respondent has no objection in granting electricity connection in the name of the petitioner, provided the petitioner clears the pending electricity dues, if any, in respect of the above connection and further makes a fresh application for grant of a connection in his name and further subject to payment of additional security deposit over and above the regular security deposit.

6. Insofar as pending dues are concerned, learned counsel for the petitioner, on instructions, submits that they have already been cleared.

7. 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 electricity connection in his own name.
- (ii) Respondent No. 1 shall process petitioner's application for installation of a fresh electricity connection without insisting on a NOC from the owner.
- (iii) Petitioner, shall comply with all the codal and commercial requirements of respondent No. 1/BSES Yamuna Power Ltd.
- (iv) Petitioner shall also deposit a sum of Rs. 10,000/- with respondent No. 1/BSES Yamuna Power Ltd. in addition to the regular security



deposit that the petitioner is required to make under the rules or regulations.

(v) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No. 1/BSES Yamuna Power Ltd. from time to time.

(vi) Petitioner shall not seek adjustment of the security deposit. However, on the petitioner 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 the respondent.

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

(viii) Application of the petitioner shall be processed and electricity connection shall be installed within two working days of the petitioner completing all the formalities.

8. It is clarified that this order is without prejudice to the rights and contentions of the parties and shall not be construed as recognising any tenancy or possessory rights of the petitioner with regard to the subject property and would be without prejudice to the pending dispute with the landlord. No special equities shall flow in favour of the petitioner because of this order.

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 24, 2022

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