



* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 9032/2022 & CM APPL. 27174/2022

Date of Decision: 02.06.2022

IN THE MATTER OF:

SHANTI DEVI

..... Petitioner

Through: Mr. Partap Singh Parmar & Ms.
Ayushi Vats, Advocates

Versus

BSES YAMUNA POWER LIMITED

..... Respondent

Through: Mr. Manish Kr. Srivastava & Mr.
Akhil Hasija, Advocate

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 the respondent/BSES Yamuna Power Limited to install a new electricity connection in the name of petitioner at the property bearing No. 18/40, Top Floor, East Patel Nagar Delhi - 110008.

2. Learned counsel for the petitioner submits that one *Rajni Babber* has filed a civil suit bearing No. Civil/DJ/611125/2016 for possession, permanent & mandatory injunction and recovery of *mesne* profit against the petitioner, which is pending consideration before the concerned



District Judge. He submits that the petitioner has claimed ownership on the basis of adverse possession. He further submits that earlier the electricity connection was existing in the name of *Ms. Rajni Babber*, which has been disconnected and the petitioner has now sought a new electricity connection.

3. Issue notice.

4. Learned counsel appearing for the respondent/BSES Yamuna Power Limited accepts notice and submits that the landlord had filed a suit for possession against the petitioner and objected to grant of electricity connection in his name. 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 and further subject to payment of additional security deposit over and above the regular security deposit.

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 electricity connection in his own name.
- (ii) The respondent 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 the respondent/BSES Yamuna Power Limited.
- (iv) Petitioner shall also deposit a sum of Rs. 10,000/- with the respondent/BSES Yamuna Power Limited 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 the respondent/BSES Yamuna Power Limited 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) The respondent 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.

6. 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.

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

(MANOJ KUMAR OHRI)
JUDGE

JUNE 02, 2022

p'ma