

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10202/2022**

Date of Decision: 04.11.2022

IN THE MATTER OF:

SH. RAM PRASAD

..... Petitioner

Through: Mr. P.N. Dubey, Adv. with Mr.
Mohit Kumar, Advocate.

versus

BSES YAMUNA POWER LTD. AND ANR.

..... Respondents

Through: Mr. Harshal Arora, Advocate for
Respondent No.1
None for Respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

1. By way of the present petition filed under Articles 226/227 of the Constitution of India, the petitioner, who claims to be in occupation of *Kiosk No.84, Tanga Stand, Nand Nagri, Delhi-110093* (hereinafter, referred to as the '*subject property*'), seeks directions to respondent No.1/BSES Yamuna Power Ltd. to restore electricity supply at the subject property through CA No. 151607506 or provide fresh electricity connection in his name without insisting on an NOC from *Smt.Kushma Devi*.

2. On 07.07.2022, this Court had noted the submission of learned counsel for the petitioner that the subject property was initially allotted to
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Smt.Kushma Devi and the electricity connection installed at the subject property was disconnected on 17.05.2022, despite payment of the entire dues. Noting the submissions, *Smt.Kushma Devi* was directed to be impleaded as respondent No.2 in the present case. Although a counsel appeared for *Smt.Kushma Devi* on the last date of hearing, none appeared for her today.

3. Learned counsel for the petitioner submits that the petitioner has pending disputes with respondent No.2/landlord. It is further submitted that petitioner has been regularly paying electricity consumption bills raised in respect of CA No. 151607506 and would file a formal application to respondent No.1 seeking fresh electricity connection in his name within one week from today. Learned counsel, on instructions, has also submitted that the petitioner undertakes to complete all the codal and financial formalities with respect to the said electricity connection.

4. There is no gainsaying that electricity is an essential service, of which a person cannot be deprived without cogent, lawful reason. It is well-settled that even if disputes exist as to ownership of the property at which an electricity connection is sought, the concerned authorities cannot deprive the legal occupant thereof by insisting that an NOC be furnished from others who also claim to be owners. Under a similar circumstance, where a request for supply of electricity connection was declined to a tenant by the authorities, the Supreme Court in Dilip (Dead) through Lrs. v. Satish & Others, **Criminal Appeal No. 810/2022** observed as under:-

“...It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of

failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.”

5. At this stage, Mr. Harshal Arora, learned counsel for respondent No.1, submits that an application for fresh electricity connection in the petitioner's name, as and when made by him, would be considered in accordance with law without insisting on an NOC from respondent No.2.

6. 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 providing fresh electricity connection without insisting on an NOC from respondent No.2 within two weeks from the date of filing of the application.

(iii) Petitioner shall comply with all the codal and commercial requirements of respondent No. 1.

(iv) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No. 1 from time to time.

(v) 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 respondent No.1.

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

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

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

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

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 4, 2022

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