



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+W.P.(C) 11445/2022, CM APPL. 33776/2022, CM APPL. 41841/2022

Date of Decision: 21.09.2022

IN THE MATTER OF:

ANIL KUMAR SINGH @ ANIL SABHARWAL Petitioner

Through: Mr. Vivek P. Gupta, Advocate.

versus

BSES RAJDHANI SAKET CHD & ORS. Respondents

Through: Mr. Sunil Fernandes, Standing Counsel, BSES with Mr. Shubham Sharma and Ms. Muskan Surana, Advocates for respondent No.1. Mr. Amandeep Singh and Mr. Vinayak Bhatia, Advocates for respondent Nos. 2 and 3.

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 Rajdhani to provide electricity connection in pursuance to the Application/Request No. ONSKT2904220420 Dated 29.04.2022 in the name of the petitioner at the subject property i.e., *property bearing 90/5A & B, Third Floor, Malviya Nagar, Delhi.*



2. On 05.08.2022 this Court had noted the contentions made on behalf of the petitioner as well as no objection on behalf of BSES/respondent No.1 in restoring the electricity supply.

3. Mr. Amandeep Singh, learned counsel for respondent Nos. 2 and 3 submits that respondent No.2 is the registered consumer in whose name the subject electricity connection was initially granted. He further submits that both the civil suits being CS No. 385/2021 as well as CS SCJ No. 332/2022, which find mention in the order dated 05.08.2022, have already been dismissed and the answering respondents are in the process of taking steps to seek possession of the subject property. Learned counsel also submitted that the answering respondents have in fact lodged an FIR against the petitioner for trespass which is pending investigation.

4. Mr. Sunil Fernandes, learned Standing Counsel for BSES/respondent No.1 submits that the electricity supply in the subject property has already been restored. He also clarifies that it is the respondent No.2 who is the registered consumer of the electricity connection.

5. At this stage, learned counsel for the petitioner submits that the petitioner would file a formal application to the respondent No.1 seeking fresh electricity connection within two weeks from today. The petitioner further undertakes to complete all the codal and financial formalities with respect to the said electricity connection. He also undertakes to clear all the pending dues with respect to monthly consumption charges till the new connection is installed.



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 a NOC from the owner 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/BSES Rajdhani.
- (iv) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No. 1/BSES Rajdhani 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 the respondent.
- (vi) Respondent No. 1 shall be entitled to disconnect the electricity supply 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 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



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and in their pending disputes. No special equities shall flow in favour of the petitioner because of this order.

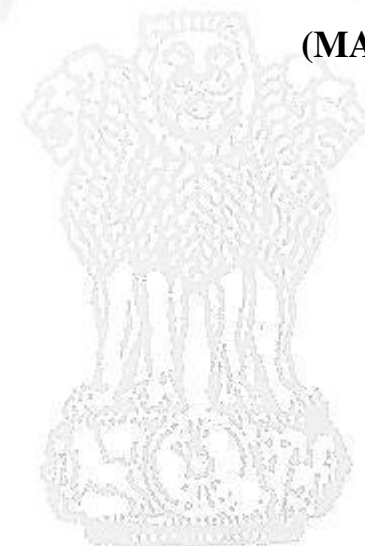
8. The writ petition is disposed of in the above terms alongwith pending applications.

9. Needless to state that till the petitioner's request for a fresh application is considered by the respondent No.1, present electricity supply be not disconnected.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 21, 2022

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