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

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Judgment delivered on: 12.01.2022

+ W.P.(C) 99/2022 & CM APPL. 235/2022

AHMED ALI

..... Petitioner

versus

BSES YAMUNA POWER LTD & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Mahboob Alam Inayati, Advocate.

For the Respondent: Mr. Deepak Kumar Vijay , Advocate for R-1.
Mr. Wajeeh Shafiq, Standing Counsel, Delhi Waqf Board/R-2.
Ms. Saumya Tandon, Advocate for R-3.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent No.1, BSES Yamuna Power Ltd to provide an electricity connection to Shop No.965, Wakf-Wazir-Un-Nisa, Matia Mahal, Jama Masjid, Delhi-110006.
3. Learned counsel for the petitioner submits that there is a dispute with regard to the said shop with Delhi Waqf Board because of which they are not giving a no objection certificate due to which the electricity connection has not been provided.



4. Learned counsel appearing for BSES Yamuna Power Ltd submits that apart from the no objection certificate from the Waqf Board, petitioner has also not paid the entire dues as were directed by order dated 12.11.2021 passed by the Permanent Lok Adalat-II.

5. Learned counsel appearing for the Waqf Board submits that no objection certificate cannot be issued even as per the case of the petitioner the father of the petitioner was a tenant in the subject property and in view of Section 56 of the Waqf Act tenancy rights are not inheritable. He further submits that as per his instructions there are several other legal heirs apart from the petitioner of his late father. He, however, concedes that petitioner claims to be in possession of the subject property.

6. In view of the above, this petition is disposed of with a direction to the Respondent BSES Yamuna Power Ltd, that subject to petitioner complying with order dated 12.11.2021 of Permanent Lok Adalat-II and also completing the other financial and codal formalities of respondent No.1, electricity connection be granted to the petitioner without insisting upon the requirement of an NOC from the Delhi Waqf Board.

7. It is clarified that the grant of electricity connection would in no manner construe as an acknowledgement of the right of the petitioner of any nature to the subject property and would be without prejudice to the rights and contentions of the parties and also without prejudice to the rights of the Delhi Waqf Board to take appropriate action against the petitioner in respect of the subject property. It is also



clarified that no special equities shall flow in favour of the petitioner.

8. Petition is disposed of in the above terms.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

JANUARY 12, 2022

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