

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

+ **W.P.(C) 2613/2023**

Date of Decision: 17.03.2023

IN THE MATTER OF:

SMT. RAJRANI

..... Petitioner

Through: Mr. Tarun Diwan and Ms. Pyari,
Advocates

Versus

BSES YAMUNA POWER LTD. & ANR.

..... Respondents

Through: Mr. Manish Kr. Srivastava and
Mr.Sagar Arora, Advocates for respondent
No.1

Mr. Mayank Papnai, Advocate for respondent
No.2 with respondent No.2 in person

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 install new electricity connection in her name in the premises bearing *No. B-341, Gali No.7, Jain Mandir Mahalaxmi Enclave, Karawal Nagar, Delhi – 110094* (hereinafter, referred to as the '*subject property*'), without insisting on an NOC from respondent No.2.

2. Learned counsel for the petitioner submits that while the petitioner is an occupant of ground floor of the subject property, respondent No.2

(petitioner's estranged husband) is occupying the first floor. He further submits that the existing electricity connection is in the name of respondent No.2 whereby electricity is supplied to both the floors, but the same has been disconnected on 29.10.2022.

3. Issue notice.

4. Learned counsels, as above, accept notice for the respective respondents. Learned counsel for respondent No.1 submits that there are outstanding dues qua the previous connection at the subject property. He, however, also submits that subject to the payment of pending electricity dues, the answering respondent has no objection to consider the petitioner's prayer for fresh electricity connection in her name.

5. Learned counsel for respondent No.2 submits that respondent No.2 has no objection if the existing electricity connection is restored.

6. However, considering that there are disputes pending between the parties and the petitioner is occupying only the ground floor, whereas the existing connection is for both the floors, this Court deems it expedient that a fresh electricity connection be granted in favour of the petitioner with respect to the ground floor of the subject property.

7. At this stage, learned counsel for the petitioner, on instructions, submits that though the petitioner is only in occupation of the ground floor and consumes electricity proportionately, without prejudice to her rights and contentions, she would pay the outstanding dues. He prays that as the petitioner's only source of income is the maintenance of Rs.5,000/- per month that she is receiving from respondent No.2, the aforesaid dues may be directed to be paid in installments.

8. In view of the above, it is directed as follows:

- (i) Petitioner shall make an application for grant of a fresh electricity connection in her own name.
- (ii) Respondent No. 1 shall process petitioner's application for installation of a fresh electricity connection without insisting on an NOC from respondent No.2.
- (iii) Petitioner shall comply with all the codal and commercial requirements of respondent No. 1.
- (iv) Petitioner shall make a security deposit as required under the rules or regulations.
- (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) Petitioner shall pay the consumption charges in accordance with the bills raised by respondent No. 1 from time to time.
- (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.

9. In addition, the petitioner shall clear the outstanding dues of Rs.13,649/- by three monthly installments. It is clarified that the petitioner has volunteered to pay the outstanding charges subject to her claim of recovering the same from respondent No.2.

10. It is also 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 respondent No.2. No special equities shall flow in favour of the petitioner because of this order.

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

(MANOJ KUMAR OHRI)
JUDGE

MARCH 17, 2023

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