

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

W.P.(C) 3849/2023

Date of Decision: 27.03.2023

IN THE MATTER OF:

SACHIN CHADHA

..... Petitioner

Through: Mr. J.P. Sengh, Sr. Advocate with
Mr. T.S. Datar, Mr. Suman Suri and Mr. MK
Gahlaut, Advocates

Versus

**BSES RAJDHANI POWER LTD THROUGH ITS MANAGING
DIRECTOR & ANR.**

..... Respondents

Through: Mr. Manish Kr. Srivastava and
Mr. Sagar Arora, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

CM APPL. 14931/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3849/2023 and CM APPL. 14932/2023 (Interim Direction)

1. By way of the present petition filed under Article 226 of the Constitution of India, the petitioner who claims to be an occupant of the First Floor of property bearing *No.B-1/14, Miyawali Nagar Paschim Vihar, Delhi-110087* seeks direction to respondents to install an electricity connection in his name at the aforesaid premises.

2. Mr. J.P. Sengh, learned Senior Counsel for the petitioner, submits that after filing of the petition, the petitioner has in fact received an email from the respondents stating that his representation is being considered, subject to completion of commercial formalities. He further submits that in support of the application, the petitioner has annexed a copy of the registered Gift Deed dated 19.07.2021 executed by his mother in his favour in respect of the aforesaid premises.

3. Issue notice.

4. Learned counsel for the respondents accepts notice and submits that the petitioner's prayer for grant of electricity connection would be considered expeditiously and *de hors* any NOC from the co-owner(s), subject to fulfilment of codal and commercial formalities. He further submits that the petitioner may be directed to make a fresh application, whereafter the requisite formalities will be communicated to him within a period of two days from the date of receipt of the application.

5. In view of the above, the petition is disposed of alongwith the pending application in the following terms:

- (i) Petitioner shall make fresh application for grant of a fresh electricity connection at the aforesaid premises in his own name.
- (ii) Respondents shall process petitioner's application for installation of a fresh electricity connection without insisting on an NOC from the co-owner(s).
- (iii) Petitioner shall comply with all the codal and commercial requirements of respondents.

(iv) Petitioner shall also deposit a sum of Rs. 10,000/- with respondents 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 respondents 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 respondents.

(vii) Respondents 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 recognizing any ownership or possessory rights of the petitioner with regard to the aforesaid premises. No special equities shall flow in favour of the petitioner because of this order.

DASTI.

**(MANOJ KUMAR OHRI)
JUDGE**

MARCH 27, 2023

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