

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

+ **W.P.(C) 17293/2022**

Date of Decision: 17.03.2023

IN THE MATTER OF:

SHIV KUMAR PODDAR

..... Petitioner

Through: Mr. Sanjeev Sagar, SC for DHCLSC
and Ms. Nazia Parveen, Advocate

Versus

BSES RAJDHANI POWER LTD. & ANR.

..... Respondents

Through: Mr. Manish Kumar Srivastava, Mr.
Sagar Arora, Advocates for R-1

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 and 227 of the Constitution of India, the petitioner/tenant seeks a direction to respondent No. 1/BSES Rajdhani Power Ltd. for installation of electricity connection at property bearing *Flat No. 24, 2nd Floor, Nehru Nagar Market, New Delhi-110065* (hereinafter, the '*subject property*') without requiring NOC from respondent No.2/landlord.
2. Learned counsel for the petitioner submits that the petitioner had approached respondent No.1 for grant of electricity connection at the subject property, however, the request was denied on the basis that NOC of respondent No.2/landlord was not furnished.
3. Issue notice.

4. Learned counsel appearing for respondent No. 1 accepts notice and submits that the answering respondent has no objection in granting electricity connection in the name of the petitioner, provided he completes the requisite codal and commercial formalities.

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

(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 installation of a fresh electricity connection without insisting on an NOC from respondent No.2/landlord.

(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 pay the consumption charges in accordance with the bills raised by respondent No. 1 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 respondent No.1.

(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.

6. It is 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 pending dispute with respondent No.2, if any. No special equities shall flow in favour of the petitioner because of this order.

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

(MANOJ KUMAR OHRI)
JUDGE

MARCH 17, 2023

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