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

+ **W.P.(C) 7558/2023 & CM APPL. 29305/2023**

ANIL SHARMA

.....Petitioner

Through: Mr. M.A. Inayati and Mr. Furkan
Ali Mirza, Advocates.

versus

BSES RAJDHANI POWER LTD & ANR.

.....Respondents

Through: Mr. Deepak Pathak and Mr.
Diwakar V Tripathi, Advocates for
BSES RPL.
Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

25.10.2024

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1. The petitioner has filed this petition under Article 226 of the Constitution for a direction upon respondent No.1 - BSES Rajdhani Power Ltd. ["BSES"] to release an electricity connection at his premises [H.No. 108, Gali No. 2, First Floor, Neb Sarai, New Delhi].

2. The contention of BSES was that the connection had been refused in view of a communication of Municipal Corporation of Delhi ["MCD"] dated 29.01.2014 that the property has been booked on account of illegal construction.

3. By an order dated 28.11.2023, Municipal Corporation of Delhi ["MCD"] was directed to respond to the petitioner's plea that the property

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was protected by virtue of an amendment to the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, which came into force after the communication dated 29.01.2014.

4. Pursuant to this order, MCD has filed a status report dated 30.01.2024, a copy whereof has been handed up in Court and is taken on record. It is stated therein as follows:

“7. That as regards, eligibility of moratorium to the instant subject property is concerned, it is pointed out that the instant property falls in unauthorized colony and hence, the cut-off date for construction, in light of the provisions of aforementioned "The National Capital Territory of Delhi Laws (Special Provisions) Act", is 01/06/2014.

Considering the fact that the said property stands booked for unauthorized construction prior to the aforesaid cut-off date i.e. 01/06/2014 and also the fact that the present status of the construction at site / in respect of the subject property is same as it was at the time of its booking, hence, the same is eligible for protection in light of the moratorium as extended by "The National Capital Territory of Delhi Laws (Special Provisions) Act till 31/12/2026, except the encroachment on Public Land. The photographs showing the present status of subject property are annexed herewith as Annexure - G (Colly).”

5. In view of the above statement, Mr. Ajjay Aroraa, learned Standing Counsel for MCD, confirms that the property is protected by the aforesaid statutory provision, and MCD has no objection to release of the electricity connection.

6. Subject to the petitioner making a further application to BSES within a period of two weeks from today and complying with all required formalities, BSES will release the connection in favour of the petitioner within a period of four weeks thereafter.

7. It is made clear that this order is consequent upon the moratorium which protects the petitioner's property. In the event the moratorium ceases to operate, it will be open to BSES and MCD to take necessary



steps in respect of the property as they are entitled to, in law.

8. The writ petition is disposed of in these terms.

PRATEEK JALAN, J

OCTOBER 25, 2024

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