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

+ **CONT.CAS(C) 686/2024**

SUNIL KUMAR SONI

..... Petitioner

Through: Mr. Harshit Aggarwal, Mr. Rohit Jain, Advocates

Email:

advharshitaggarwal@gmail.com

Mob: 9654842863

versus

BSES YAMUNA POWER LIMITED

..... Respondent

Through: Mr. Manish Kr. Srivastava, Mr. Moksh Arora and Mr. Yash

Srivastava, Advocates

Mob: 9999061836

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.04.2024

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1. The present petition has been filed alleging willful disobedience of the orders dated 8th January, 2024 and 12th February, 2024 passed by the Court of Additional District Judge-02, East, Karkardooma Court, in case bearing no. *CS No. 521/2023*.

2. Learned counsel appearing for the petitioner submits that despite directions to the respondent to provide electricity connection to the petitioner in the name of Shri Sunil Kumar Soni in respect of House No. 4/42, 4th Floor, Geeta Colony, Delhi-110031, the application filed by the petitioner with respect to providing electricity connection, has not been



entertained.

3. Per contra, learned counsel appearing for the respondent submits that the petitioner is claiming to be residing on 4th Floor of the property, stating that the same is actually 3rd Floor of the property, but re-numbered as the fourth floor.

4. He submits that on the 3rd Floor of the property, there is already an existing electricity connection, which is energized. He submits that the said electricity connection has not been disconnected by the respondent. He further submits that the said electricity connection is in the name of Ms. Priyanka Chadha. He has handed over a copy of the electricity bill dated 27th April, 2024, which is taken on record.

5. Learned counsel appearing for the respondent has also handed over copy of Deficiency Notice dated 21st March, 2024 issued to the petitioner, which is taken on record. The same reads as under:

“xxx xxx xxx

Application No: 008006860007

Print Date: 19/04/2024
04:33:24

Application Type: New Connection Request

Issue Date: 3/21/2024 5:05:42

Application Name: Mr SUNIL KUMAR SONI

Mobile Number: 9891569534

Address: 4/42 FOURTH FLOOR GEETA COLONY DELHI-DELHI
110031

Subject: Intimation of Deficiency in your Application/Request

Dear Applicant,

We would like to inform you that we shall be able to process your application only after removal of deficiencies as mentioned below:-

Ownership dispute/Court Case Floor mismatch/wrong floor applied
(g4 building no 4th floor at site wrong floor visit shown by consumer b.p no- 0910062405 same site)

You are hereby advised to remove the above mentioned deficiencies within 30 days from the receipt of this letter and intimate through any of the following modes:-

xxx xxx xxx”

6. Learned counsel for the respondent has further handed over a copy of



the order dated 18th April, 2024, by which the representation of the petitioner for a fresh electricity connection, has been disposed of. The said order is taken on record. The order dated 18th April, 2024 issued by the respondent to the petitioner herein, reads as under:

“xxx xxx xxx

Ref. No:-BYPL/CC/2024-25/06

18/04/2024

Sh. Sunil Kumar Soni
4/42, Third Floor
Geeta Colony, Delhi
9891569534

Sub: Reply to your letter received vide dairy no. D/1285 on 22.03.2024.

Sir,

In respect of your application bearing no. ONKNR120324983 whereby you applied for new connection for fourth floor of property bearing no. 4/42, Geeta Colony, Delhi it is stated that on inspection it was found that there is no fourth floor in the subject property.

As per the collaboration agreement dated 07.05.2011 supplied along with your letter under reply the supplied along with your letter under reply the subject property was to be constructed and developed as stilt parking on Ground Floor, upper Ground Floor, First Floor, Second Floor and third floor whereas in your letter under reply the said floors are numbered as Ground Floor, First Floor, Second Floor, third floor and fourth floor. Thus, on your showing itself the top floor in respect whereof connection is sought by you by numbering it as fourth floor is actually numbered as third floor in the collaboration agreement.

As per in the subject property following connections are existing:-

S. no.	Meter no.	DOI/ Category	Address
1.	55415201	06.09.2022/DOM 3	4/42, G/F Parking Back Side, Geeta Colony, Delhi- 110031
2.	55418191	06.09.2022/DOM 1	4/42, U/G/F, Back Side, Geeta Colony, Delhi-110031
3.	55448746	06.09.2022/DOM 1	4/42, S/F, Back Side, Geeta Colony, Delhi-110031
4.	55431 054	06.09.2022/DOM 1	4/42, Third floor, Back Side, Geeta Colony, Delhi- 110031



In the subject property earlier there was one more connection bearing CA No. 150258507 granted for the First Floor which was disconnected on 18/12/2023.

Thus, the numbering of floors as mentioned in collaboration agreement is also found existing at site.

The third floor which is now claimed to be numbered as fourth floor is already electrified through connection registered in the name of Ms. Priyanka Chadha as mentioned at serial no. 4 in the table herein above.

As such the top floor cannot be granted fresh electricity connection till the earlier connection is disconnected or in alternative you can seek name change in respect of said connection.

From the case history of CS no. 5211/2023 filed by you against Ms. Priyanka Chadha, on 08.01.2024 she consented to grant of new connection in your name which in terms of order dated 08.01.2024 as well as 12.02.2024 passed by Learned ADJ, East, KKD has to be granted as per rules.

Accordingly, you are requested to apply for correct floor, i.e., third floor, either for name change or for new connection which will be granted as per the law subject to the condition that existing connection in the name of Ms. Priyanka Chadha is disconnected.

Hope the issues raised by you in the present representation stands duly replied to your satisfaction.

xxx xxx xxx”

7. Perusal of the aforesaid, clearly shows that it is the clear stand of the respondent that there is no 4th Floor in the property and that the property consists of stilt, ground, first, second and third floor. It also transpires that the petitioner is referring to 3rd Floor, as the 4th Floor, for which, as per the stand of the respondent, an electricity connection already exists.

8. Thus, the respondent has disposed of the application of the petitioner clearly directing the petitioner to apply for electricity connection for the correct floor, i.e., 3rd Floor, either for name change or for new connection, which will be granted in accordance with law, subject to the condition that existing connection in the name of Ms. Priyanka Chadha, would be disconnected.

9. Accordingly, this Court is of the view that no contempt has been committed by the respondent, as the application of the petitioner for



electricity connection, has been duly considered by the respondent.

10. In case the petitioner has any grievance with the Deficiency Notice dated 21st March, 2024 and the order dated 18th April, 2024 passed by the respondent, the petitioner is at liberty to challenge the same in appropriate proceedings, in accordance with law.

11. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

APRIL 29, 2024

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