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

+ **W.P.(C) 8662/2024 & CM APPLs.35436-37/2024**

**PAWANPUTRA INNOVATIVE SOLUTIONS
PRIVATE LIMITED**

..... Petitioner

Through: Mr. Sachin Midha, Advocate

versus

**BSES RAJDHANI POWER LIMITED
AND OTHERS**

..... Respondents

Through: Mr. Raghav Awasthi, Advocate for R-
1
Mr. Mohit Bhardwaj, Advocate for R-
2 i.e. SHO P.S. Hauz Khas, Delhi
Police

**CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN**

**ORDER
19.06.2024**

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1. The present writ petition is filed under Articles 226 and 227 of the Constitution for issuance of direction to the respondent no.1 to carry out the implementation of the relocation of the electricity pole situated outside the property of the petitioner in a time bound manner.
2. The petitioner is claiming possession and ownership of the residential property bearing no.C-4/48 situated at Safdarjung Development Area, New Delhi – 110016 which was stated to be acquired by the petitioner in the month of April, 2023. There is an obstruction at the entry point of the gate due to the existence of an electricity pole installed by the respondent no.1.
3. The counsel for the petitioner also drew the attention of the Court



towards the Annexure-P/8 which is reflecting that there is an electricity pole in front of the house of the petitioner.

4. Issue notice.

5. Mr. Raghav Awasthi, Advocate accepts notice on behalf of the respondent no.1. Mr. Mohit Bhardwaj, Advocate accepts notice on behalf of the respondent no.2.

6. Mr. Raghav Awasthi, Advocate for the respondent no.1 on advance notice stated that the present writ petition is not maintainable as appropriate remedy is available as per Regulation 24 of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 and also referred the orders passed by the Coordinate Benches of this Court in W.P.(C) 5080/2023 titled as **Raj Kapoor Singh V Govt of NCT of Delhi & Ors.**; W.P.(C)15085/2023 titled as **Mr. Hem Chand V BSES Rajdhani Power Limited** and W.P.(C)12556/2022 titled as **Prashant Mathur V GNCT of Delhi & Ors.** He further stated that the respondent no.1 has already asked for the deposition of the amount of Rs. 43,451/- as necessary charges for shifting of the pole which is installed in front of the house of the petitioner and the said amount has already been paid by the petitioner.

7. The availability of alternate remedy does not limit the power of this Court under Article 226 of the Constitution. Accordingly, the present petition is disposed of with the direction to the respondent no.1 to shift the electricity pole stated to be installed in front of the house of the petitioner preferably within a period of 02 weeks from today and the respondent no.1 shall also be at liberty to take assistance of the respondent no.2, if required in shifting of the electricity pole stated to be installed in front of the house of the petitioner.



8. The pending applications also stands disposed of.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

JUNE 19, 2024/j/am