



\$~65

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

+ **W.P.(C) 14459/2022**

LAJWANTI

.....Petitioner

Through: **Mr.Prakshit Mahipal, Adv.**

versus

BSES YAMUNA POWER LIMITED

....Respondent

Through: **Mr.Manish Srivastava with
Mr.Moksh Arora, Advs for BSES.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

12.08.2024

1. The petitioner has prayed for the following relief :-

"It is, therefore, most humbly prayed that this Hon'ble Court may be pleased to issue appropriate writ, direction, order,

i) Issue writ in the nature of certiorari to set-aside and quash the impugned Letter/order dated 10.12.2021 issued by the office of respondents and;

ii) Issue writ in the nature of mandamus to give directions to respondent to grant the Electricity Connection for domestic purposes to the petitioner at the premises bearing no. AB-363, Amar Puri, Nabi Karim, Paharganj, New Delhi-110055. 2

iii) Any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case to meet the ends of justice.

iv) Cost of the proceedings may also be awarded in favor of Petitioner and against the respondent."

2. The grievance of the petitioner essentially revolves around the rejection of electricity connection on the ground of non-clearance of dues with respect to the property in question. The petitioner contends that the



dues in question were accrued when she was not in the possession of the subject property and therefore, she cannot be held liable for the payment of the same.

3 The facts would exhibit that the petitioner had purchased the subject property bearing no. AB-363, Amar Puri, Nabi Karim, Paharganj, New Delhi-110055 on 04.10.2001 from Sh. Hoshiyar Singh *vide* registered title documents. It is stated that subsequently, on 27.04.2002, Sh. Hoshiyar Singh forcibly and unlawfully dispossessed the petitioner and started running a hotel on the subject property. Aggrieved by the illegal action of the erstwhile owner, the petitioner filed a civil suit for possession and the suit is stated to have been decreed in favour of the petitioner. Consequently, execution proceedings were also stated to have been initiated. As per the petitioner, it is during the pendency of the legal proceedings that a meter came to be installed by the respondents.

4. Thereafter, after gaining the physical possession of the subject property, the petitioner had applied for an electricity connection for domestic purpose on 17.10.2021, which came to be rejected on the pretext of pending dues. It is thus seen that the instant case would inevitably require leading of evidence and adjudication on various factual aspects so as to ascertain the reasons of accrual of dues, actual users liable for payment of the same etc.

5. This Court, in W.P.(C) 9215/2007 titled as ***Kishan Singh Shokeen v. BSES Rajdhani Power Ltd.***, while adjudicating a controversy resembling almost similar facts, wherein certain factual disputes were involved, has held as under:-



“11. However, the present is not the case where any of the exigencies as mentioned in the aforementioned paragraphs are met. More importantly, this is not the case wherein, any fundamental right of the petitioner was violated. Moreover, the petitioner has all the rights to approach the Civil Court. Having considered the nature of the grievance raised in the writ petition, it is found that the alleged violations of Rules and Regulations, if any can also be gone into by the concerned Court. Essentially the issue whether the petitioner was involved in the alleged theft of electricity or not perhaps may not be amenable to adjudication by this court in exercise of the extraordinary powers conferred under Article 226 of the Constitution.

12. Therefore, in view of the observations made hereinabove, the petitioners are granted liberty to approach the Civil Court or avail any other remedy, available as per law, for ventilation of his/her grievances.

13. In the present batch of cases, the matters remained pending for quite a long time. In some of the cases, the stay was operating while in others, the matters were also sent for mediation. The respondent admittedly has not recovered the amount in question, therefore, under the aforesaid circumstances, there shall be no recovery proceedings as well as no disconnection of supply for a period of 90 days from today as is also undertaken by learned counsel for the respondent. On the petitioner approaching the concerned Court, let the same be decided in accordance with law, without being influenced by the observations made hereinabove.

14. With the aforesaid observations, the petition stands disposed of.”

6. It is thus seen that all the grievances agitated in the instant writ petition can also be effectively agitated before the Civil Court.

7. In view of the aforesaid, reserving liberty in favour of the petitioner, the instant writ petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 12, 2024/MJ