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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16545/2023 & CM APPL. 66663/2023 (for stay) & CM
APPL. 25821/2024 (for vacation of stay)

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Manish Srivastava, Mr. Moksh
Arora, Mr. Santosh Ramdurg and Mr.
Yash Srivastava, Advs.

versus

HARJIT SINGH & ANR.

.....Respondents

Through: Mr. Akhil Krishan Maggu, Mr. Vikas
Sareen, Ms. Maninder Kaur and Ms.
Oshin Maggu and Mr. Ruchir Baswal,
Advs. for R-1.
Mr. Pritish Sabharwal, Adv. for MCD

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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09.09.2024

CM APPL. 66664/2023 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 16545/2023 & CM APPL. 66663/2023 (for stay) & CM APPL.
25821/2024 (for vacation of stay)**

3. The instant writ petition is against the order dated 26.07.2023 passed by the Consumer Grievance Redressal Forum [“CGRF”] constituted in terms of Section 42(5) of the Electricity Act, 2003.
4. The respondent no.1 herein, raised the grievance before the CGRF with respect to a new electricity connection at 11th Floor, Flat No. 1101, Plot No. 4, Vikrant tower, Rajendra Place, Near Rajendra Place Metro Station, New Delhi-110008. The case of respondent no.1 before the CGRF



was with respect to rejection of request for a new electricity connection. The said request was rejected by the petitioner-DISCOM mainly on account of following two reasons:-

- (i) non-furnishing of NOC from Fire Department and
- (ii) objection by the respondent-Corporation.

5. The CGRF, *vide* impugned order has found that respondent no.1 had not taken any action against the rest of the owners/occupants of the subject construction, save the respondent no.1 herein and he is being singled out. Noting that the respondent no.1 is being deprived of basic amenities, CGRF issued directions for the release of the necessary connections upon completion of the necessary commercial formalities with an undertaking by the respondent no.1 that whenever the MCD proceeds to take any action in the future, the petitioner-DISCOM would be free to disconnect the new electricity connection. Hence, the impugned directions by the CGRF came to be issued.

6. The petitioner-DISCOM, while assailing the impugned order, submits that the objection of the petitioner-DISCOM to the grant of new electricity connection is predicated on the letter issued by the respondent-Corporation dated 14.09.2022 in Notice No. EE (B)/KBZ/2022/D-296. In the said letter, the respondent-Corporation has directed the petitioner-DISCOM to disconnect water and electricity supply to various properties for the lack of structural safety measures pursuant to the directions passed in W.P.(C) 4325/2015. In the said list, the subject property is also mentioned at serial number 9.

7. While entertaining the instant writ petition, this Court *vide* order dated 21.12.2023 stayed the operation of the impugned order.



8. On notice being issued, the respondents have placed on record their counter affidavits. As per the stand taken by respondent No.1, the concerned Fire Department has already granted a Fire Safety Certificate dated 11.07.2023. According to respondent no.1, though the building in question holds all necessary certifications and NOCs, in any case, if the respondent-Corporation contemplates any action against the subject property, such action ought to be uniformly taken against all the occupiers/owners of the subject property.

9. Learned counsel for the respondent-Corporation has also physically handed over its status report. In the said report, the respondent-Corporation has averred that during routine inspections, it was noticed that the building in question i.e., Vikrant tower, is old and may require retrofitting to make it compliant with the seismic stability requirements in order to ensure safety of its users in case of earthquake. According to the learned counsel, various notices were issued to the owner/occupier. He submits that the same is the necessity in terms of the notification issued by the GNCTD on various dates and also the directions passed in W.P.(C) 4325/2015. He, therefore, submits that pursuant to the directions contained in various notices and since the owner/occupier of the property failed to comply with the same, therefore, letter dated 14.09.2022 had been issued to BSES-Rajdhani, Tata Power Delhi Distribution Limited [TPDDL] and Delhi Jal Board for disconnection of electricity and water supply of the subject property.

10. In paragraph No.10 of the status report, the respondent-Corporation has stated that the owner/occupier of the property has to file certain documents for structural safety audit of the property to ensure compliance of the notices dated 26.06.2020 and 14.09.2022. Paragraph nos. 9 and 10 of the



status report filed by the respondent-Corporation reads as under:-

“9. That as the owner/occupier of the above property and other similar placed properties failed to submit the structural audit report inspite of notice and reminder issued by the answering respondent, a letter vide no. EE(B)/KBZ/2022/D-296 dated 14.02.2022 had been issued to BSES, Rajdhani Ltd., TPDDL, and Delhi Jal Board for disconnection of electricity and water of the properties. The details of the property are mentioned at serial no. 9 in the list enclosed with letter. The copy of the letter dated 14.09.2022 is already annexed with petition filed by the petitioner as Annexure-P-3 (colly) at page 36 to 47 of the petition.

10. That the owner/occupier of the property has to file the following documents for structural safety audit of the property as directed vide notice dated 26.06.2020 and 14.09.2022.

(i) Building Plan Sanctioned by DDA.

(ii) Allotment Letter by DDA.

(iii) Structural Audit Report comprising of seismic analysis and design with asymmetrical plan of all floors,

(iv) Report showing various tests to ascertain the strength of the building.

(v) All above reports and indemnity bond.”

11. Let the status report be placed on the digital record of the Court.

12. Learned counsel appearing for the petitioner-DISCOM submits that with respect to the fire safety requirements, since respondent no.1 has been able to furnish the necessary NOC and documents, the petitioner-DISCOM would not have any objection in releasing the necessary electricity connection to respondent no. 1. He, however, submits that since the letter of the respondent-Corporation dated 14.09.2022 still remains in force, the same stands in way of the petitioner-DISCOM in releasing the said connection.

13. Considering the submissions advanced by the petitioner-DISCOM, the Court has put forth a query to the learned counsel appearing for the respondent-Corporation as to what action has been taken against the other occupiers/owners of the subject property i.e., Vikrant Tower. Learned counsel for the respondent-Corporation, at this stage, is unable to allude to



any action which has been taken against the other occupiers/owners of the subject property.

14. The Court is of the considered opinion that when certain action is being contemplated against an entire building as a single unit, all the occupiers of the building should be treated on an equal footing. If the respondent-Corporation is of the view that the occupiers of Vikrant Tower are not in compliance of any of the government notifications or otherwise, the action thereto should be taken uniformly against all the owners/occupiers.

15. Learned counsel appearing for respondent no.1, at this juncture, submits that he would comply with the necessary requirements and would satisfy the respondent-Corporation with respect to the documents as mentioned in paragraph no.10 of the Status report.

16. The respondent-Corporation is also at liberty to take necessary steps in accordance with law if it finds that respondent no.1 or the other occupiers are in disobedience/non-compliance of any Government notification. However, it is to be noted that the proposed action must be taken against all similarly situated occupiers/owners.

17. The Court, therefore, under the facts of the present case, does not find any infirmity in the order passed by the CGRF.

18. Reserving the aforesaid liberty in favour of the respondent-Corporation, at this stage, the instant writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 9, 2024/p