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

+ **W.P.(C) 16649/2023**

ANUP PRAKASH KAICKER , PROPRIETOR OF M/S RIBBONS,
..... Petitioner

Through: Ms. Ruchi Jain and Mr. Srikanth
Varma, Advs.

versus

BSES RAJDHANI POWER LTD. & ANR. Respondents

Through: Mr. Moksh Arora and Mr. Santosh
Ramdurg, Advs. for R1.
Mr. S. N. Parashar, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

19.02.2024

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1. The present petition has been filed by the petitioner seeking that the respondent no.1 be directed to provide an electricity connection in the name of the petitioner at the tenanted premises, being D-50, Basement (Back side) Basant Lok Community Centre, Vasant Vihar, New Delhi - 110057.
2. It is undisputed that the petitioner was inducted as a tenant in the property in question.
3. There are *inter se* proceedings between the petitioner and the respondent no.2 (landlord of the concerned property) under Delhi Rent Control Act, 1958, which are still pending.
4. An application had been previously filed by the petitioner under Section 45 of the Delhi Rent Control Act, 1958 before the concerned Additional Rent Controller seeking a direction to the respondent no. 2 to



provide electricity connection in the tenanted property to the petitioner. The said application came to be disposed of *vide* order dated 19.05.2023 whereby it was observed by the Rent Controller as under:-

“From the aforesaid, it is apparent that whether or not the electricity was being provided at the tenanted premises, cannot be determined merely on the basis of pleadings and an inquiry into the same is required to be conducted and parties shall be required to lead evidence to prove their respective case. It may also not be out of place to mention here that no electricity bill is placed on record to prove that electricity was being provided at the tenanted premises. Thus, in my opinion, no relief can be granted at this stage.”

5. Learned counsel for the petitioner draws attention to a judgment of the Supreme Court in *Dilip (Dead) Through LRs. Vs. Satish & Ors.* (Crl. Appeal No. 810/2022 decided on 13.05.2022) whereby it has been held that electricity is a fundamental necessity of a person in possession of a property, regardless of any civil dispute as to the legality of their possession.

6. Further, this court in several orders including order dated 04.11.2022 in *Sh. Ram Prasad Vs. BSES Yamuna Power Ltd. & Anr.* (W.P.(C) 10202/2022) has also directed that connections be given in the names of person in possession of the property, without prejudice to the rights and contentions to be adjudicated in any civil proceedings.

7. In the present case also, the factum of the petitioner's induction as tenant is undisputed.

8. In the circumstances, in line with the orders passed by this Court in similar matters including order dated 25.08.2023 in W.P.(C) No. 11315/2023, the petition is disposed of by directing the respondent no.1 to grant a fresh electricity connection to the petitioner subject to the following directions:-

I. The petitioner's application to respondent no.1 will be



processed without insisting on a No Objection Certificate from respondent no.2.

II. The petitioner will comply with all other codal and commercial formalities for grant of a new connection.

III. The petitioner will pay the arrears of consumption charges as demanded by respondent no. 2.

IV. In addition to the regular security deposit, the petitioner will deposit a sum of Rs. 25,000/- as additional security deposit with respondent no.1.

V. The petitioner will pay the current consumption charges in accordance with the bills raised by the respondent no.1 from month to month.

VI. The security deposit will not be adjusted against demands for the current period, but will be refunded to the petitioner upon vacation of the premises, subject to any adjustment for any arrears at that time.

VIII. Respondent no.1 will be entitled to disconnect the electricity in the event of non-compliance with any of the above conditions.

9. The aforesaid directions are passed without prejudice to the rights and contentions of the petitioner and respondent no.2 in any civil proceedings. The order will not be treated as having conferred any special equities or indicated any ownership, title or possessory rights in favour of the petitioner.
10. The present petition, alongwith the pending application/s, stands disposed of, accordingly.

SACHIN DATTA, J

FEBRUARY 19, 2024/AT