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

+ LPA 1012/2024

ANKIT SHARMA

.....Appellant

Through: Mr Jai Wadhwa and Mr Ronak
Karanpuria, Advocates.

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr Deepak K. Vijay and Ms Neeru
Sharma, Advocates for BSES.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **16.12.2024**

1. The appellant has filed the present intra court appeal impugning an order dated 06.09.2024 whereby the learned Single Judge had declined to entertain the petition filed by the petitioner and had relegated the petitioner to avail his remedies before the Consumer Grievance Redressal Forum.

2. The appellant had filed the writ petition [W.P.(C) 12539/2024], *inter alia*, praying as under:

“a) Issue a writ of mandamus or any other appropriate writ, order, or direction directing Respondent No. 2 to process the Petitioner’s application and issue an electricity connection to the Petitioner at the Tenanted Premises without insisting on an NOC from the landlord.

3. The appellant claims that he is a tenant in the premises described as 906, Third Floor, F-2 Gali Inder, Kucha Pati Ram, Bazar Sita Ram, Delhi (the hereafter the subject premises) and has been occupying the said premises since 19.04.2024. The appellant has also produced the Rent Agreement dated 19.04.2024 in respect of the said premises. The appellant has been unable to



obtain an electricity connection from respondent no.2, BSES Yamuna Power Limited, for the reason that the owner of the said premises – which is the appellant’s father – has not furnished a No Objection Certificate (NOC) for the appellant to obtain an electricity connection.

4. The owner of the premises (the petitioner’s father) has declined to issue an NOC. However, there appears to be no dispute that he had entered into the Rent Agreement with the appellant.

5. The appellant’s father had also joined the proceedings through video conferencing on 12.12.2024 and he had categorically refused to provide an NOC. He stated that he did not wish to take any responsibility for the same.

6. It is the appellant’s case that the electricity is a basic amenity, which cannot be denied to the appellant. The learned counsel for the appellant has also relied on various decisions including the decision of the learned Single Judge of this Court in ***Real Anchors Projects LLP & Ors. v. NCT of Delhi & Ors.: W.P.(C) 17470/2022, decided on 11.01.2023***, in support of the said contention. It is noticed that the court had referred to the decision of the Supreme Court in ***Dilip (Dead) through LRs v. Satish & Ors.: Criminal Appeal No.810/2022*** and accepted the contention that the provision of electricity cannot be denied without any cogent or lawful reason.

7. We consider it apposite to set out paragraph nos.5 and 6 of the said decision, which are reproduced below:

“5. There is no gainsaying that electricity is an essential service, of which a person cannot be deprived without cogent, lawful reason. It is well-settled that even if disputes exist as to ownership of the property at which an electricity connection is sought, the concerned authorities cannot deprive the legal occupant thereof by insisting that an NOC be furnished from others who also claim to be owners. Under a similar circumstance, where a request for



supply of electricity connection was declined to a tenant by the authorities, the Supreme Court in Dilip (Dead) through Lrs. v. Satish & Others, **Criminal Appeal No. 810/2022** observed as under: -

“It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.

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The impugned order cannot be sustained and the same is set aside.

The appeal is, accordingly, allowed.

Pending applications, if any, shall stand disposed of.

It is however made clear that electricity supply granted, shall not be discontinued, subject to compliance by the Respondents of the terms and conditions of supply of electricity by the electricity department including payment of charges for the same.”

6. Keeping in view the aforementioned observations of the Supreme Court, the present writ petition is disposed of in the following terms:

- (i) Petitioners shall make an application for grant of a fresh electricity connection in their own name.
- (ii) Respondent No. 2 shall process the petitioners’ application for providing fresh electricity connection forthwith without insisting on NOC from respondent No. 3 within two weeks from the date of filing of the application.
- (iii) Petitioners shall comply with all the codal and commercial requirements of respondent No. 2.
- (iv) Petitioners shall deposit additional sum with respondent No. 2 as may be required in addition to the regular security that they are required to under the rules or regulations.



(v) Petitioners shall pay the consumption charges in accordance with the bills raised by respondent No. 2 from time to time/till the time they occupy the subject premises.

(vi) Petitioners shall not seek adjustment of the security deposit. However, on the petitioners vacating the premises or being evicted and surrender of the electricity meter, petitioners shall be entitled to refund of the security deposit subject to adjustment of any dues of respondent No.2.

(vii) Respondent No. 2 shall be entitled to disconnect the electricity supply at the subject premises in case petitioners fail to pay the electricity charges.

(viii) Application of the petitioners shall be processed and electricity connection shall be installed within two working days of the petitioners completing all the formalities.”

8. After some arguments, learned counsel appearing for the respondent submits that the order imposing similar terms as are set out in paragraph no.6 of the decision in ***Real Anchors Projects LLP & Ors. v. NCT of Delhi & Ors.*** (*supra*) may be passed in this case as well.

9. In view of the above, the present appeal is disposed of by permitting the appellant to make an application for grant of a fresh electricity connection in his own name. Respondent no.2 shall process the said application without insisting on NOC from the owner (Mr Deepak Sharma) of the subject premises within a period of two weeks from date of filing of the said application.

10. It is clarified that the appellant will pay all necessary charges including security charges for securing a separate connection. The terms and conditions as set out in paragraph no.6 of the ***Real Anchors Projects LLP & Ors. v. NCT of Delhi & Ors.*** (*supra*) shall mutatis mutandis apply in the present case.

11. We also clarify that the connection provided to the appellant would be a temporary connection and unless the appellant produces the documents to establish that its agreement is extended, the respondents would be at liberty to



discontinue the provision of electricity connection on termination of rent agreement.

12. It is also clarified that nothing stated in this order should be construed as prejudicing the right of the owner of the property in question (the appellant's father – Mr Deepak Sharma) or any other party. It is also clarified that the appellant will not claim any equities on the basis of this order or on the basis of respondent no.2 providing electricity on a temporary basis.

13. The appeal is disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 16, 2024
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[Click here to check corrigendum, if any](#)