



\$~1

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

+ **W.P.(C) 4363/2025 & CM APPL. 20139/2025**

SH. SUDESH & ORS.

.....Petitioners

Through: Mr. Rambir Singh, Adv. (Through
VC)

Mr. Mr. Himanshu Dagar, Adv.

M: 9999944080

Email: dagarlaw@gmail.com

versus

**TATA POWER DELHI DISTRIBUTION LIMITED
& ORS.**

.....Respondents

Through: Mr. Manish Srivastava and Mr.
Moksh Arora, Adv. for R-1 with Mr.
Amit Singh, AGM Legal
M: 9999061836

Ms. Shivani Luthra Lohiya and Mr.
Sushrut Sharma, Adv. for R-2.

M: 9915845072

Email: sushrut97@gmail.com

Ms. Neeru Vaid, SC for MCD
(Through VC)

M: 9582619834

SI Jitender Singh, PS Burari

Ms. Sangeeta Bharti, SC with Mr.

Shreesh Pathak, Adv. for DJB

M: 9953253678

Email: sangeetabharti@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.04.2025

%

1. The present writ petition has been filed with prayers for directions to the respondents for removing the electricity cable which is lying in the street/gali/road, i.e., *Gali No. 9, A-Block, Kaushik Enclave, Burari, Delhi-110084*, and bring it to its original condition.



2. This Court notes that when the present matter was listed for hearing on 07th April, 2025, there was a categorical submission made on behalf of respondent no.1, i.e., Tata Power Delhi Distribution Limited, that the work of laying underground cables, is already complete. Thus, this Court had passed the order dated 07th April, 2025, in the following manner:

“xxx xxx xxx

7. Per contra, learned counsel appearing for respondent no. 1, i.e., Tata Power Delhi Distribution Ltd., submits that the work of laying of underground cables, is already complete.

8. He submits that the said work was done after due permission from the land owner agency, i.e., Flood and Irrigation Department, Government of NCT of Delhi.

9. For this purpose, he also hands over a copy of the letter dated 13th November, 2024, written to the Irrigation and Flood Control Department, Government of NCT of Delhi.

10. In the said letter, permission has duly been granted by the Government of NCT of Delhi.

11. Learned counsel appearing for respondent no. 1 further submits that an appeal has already been filed by the petitioners before the Sub-Divisional Magistrate, Central, Burari.

12. He, thus, submits that the present petition, would not be maintainable.

13. Considering the submissions made before this Court, since it is the stand of respondent no. 1 that the work of laying of cables, is already complete, let a Status Report be filed by respondent no. 1, with regard to the restoration of the road, and the permission granted to the respondent no. 1.

xxx xxx xxx”

3. This Court further notes that pursuant to the last order, dated 07th April, 2025, the Status Report dated 26th April, 2025, has been filed on behalf of respondent no.1, wherein, respondent no. 1 has stated as follows:

“xxx xxx xxx

3. It is most respectfully submitted that the work of laying cable in A Block, Kaushik Enclave, Burari, Delhi - 110084 was carried out by the Answering Respondent only after obtaining due permission from Irrigation and Flood Control Department, Government of NCT of Delhi. A copy of the letter dated 13.11.2024 alongwith permission for



laying of cable is attached and annexed herewith as **Annexure-1**.

4. That the work of laying cable was completed by the Answering Respondent on 26.03.2025 and thereafter road restoration work was also completed on 12.04.2025. A copy of the photograph depicting the current status of the road is attached and annexed herewith as **Annexure-2**.

5. That the present Status Report is placed before this Hon'ble Court for consideration and the Answering Respondent undertakes to abide by the directions passed by this Hon'ble Court.

xxx xxx xxx”

4. Along with the aforesaid Status Report, a letter dated 13th November, 2024, has also been attached, by way of which, the respondent no.1 had sought and was granted the permission from the I & FC Department, Government of NCT of Delhi, for lying cables in the area in question, i.e., A Block, Kaushik Enclave Burari - Zone 414. The said letter dated 13th November, 2024, is reproduced as under:

**Annexure-1** **3**

NO. HOG/DP/ P (UC) 2024-25/4-37 Date: 13.11.2024

To
The Executive Engineer,
Civil Division No. CD-VI,
BPC, Shanti Nagar Delhi

Sub: Permission for Cable laying in A Block Kaushik Enclave Burari - Zone 414 for consumer reliability and
Releasing of New Connections against scheme no HR/50434/00000.

Sr.

A scheme has been prepared for the Cable laying in A Block Kaushik Enclave Burari - Zone 414. Purpose of Scheme
is consumer reliability and Releasing of New Connections against scheme no HR/50434/00000.

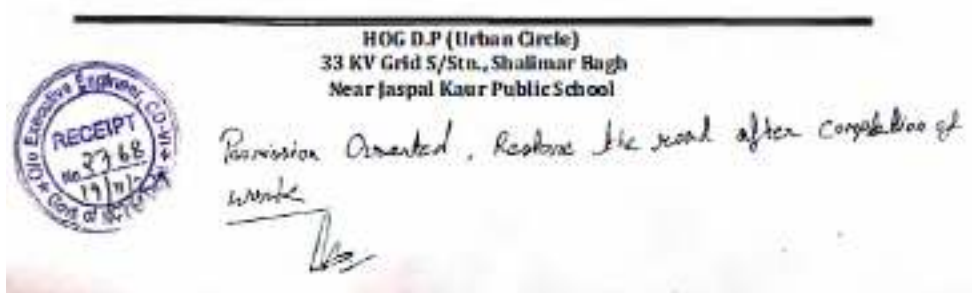
Scheme is very much important for load growth and releasing of Pending New Connections as per DERC Supply
Code & Regulations.

Please give us the permission for cable laying as per below details:-

Sl no	Area name	Road name and landmark	Ng of pits	Size of area
1	Cable laying	A Block Kaushik Enclave Burari Zone 414	150 mm/ Open trench method	150 mtr - 1 mtr Depth

An early action on the above issue is solicited. Pl. Issue NOC for scheme execution to start earliest in the interest of
local public.


(Er. Panninder Singh)
HOG (DP) Shalimar Bagh
Mobile: 9217688934



5. This Court notes that a photograph has also been filed along with the aforesaid Status Report to show that the street in question has been restored to its original position. The photograph as attached along with the said Status Report is reproduced as under:



6. During the course of hearing, learned counsel appearing for the petitioners had submitted that the respondent no.1 has attached the



photograph of only a part of the street, and the other part of the street, still lies in a dug state.

7. Thus, the matter was passed over by this Court, and the parties were directed to appear post-lunch.

8. When the matter was passed over by this Court, the parties had been directed to produce the photographs, with regard to the current status of the street, since it was vehemently contended on behalf of the petitioners, that the street in question, has still not being brought to its original condition and dug areas, still existed.

9. After the passover, learned counsel appearing for respondent no.1, has shown the video of the street to this Court, which has been filmed during the lunch hours of this Court. This Court has seen the said video, which clearly shows that the street in question, has been restored to its original position and the same is not lying dug, as submitted by the learned counsel, appearing for the petitioners.

10. Learned counsel appearing for the petitioners, at this stage again submits that he may be granted more time to produce the photographs.

11. This Court notes that despite grant of opportunity by this Court to the petitioners to bring before this Court the photographs showing the area that is still existing in a dug position, no photograph or video, has been produced by the petitioners, before this Court.

12. *Per contra*, learned counsel appearing for respondent no.1 has shown the video, as noted above, which shows that work has been completed by the respondent.

13. This Court notes that the petitioners herein had earlier filed a suit with the same prayer, as made in the present writ petition. The Memo of Parties in the said suit, i.e., *CS SCJ No. 2207/2024*, filed in Tis Hazari Courts, is



reproduced as under:

63

ANNEXURE-P- 5

IN THE HON'BLE COURT OF DISTRICT MAGISTRAT, *Darya Khan, Central*
DISTRICT, DELHI *East Delhi, NORTH-EAST,*

COMPLAINT NO. _____/2024

IN THE MATTER OF;
SH. SUDESH & ORS. ...COMPLAINANTS

VERSUS

TATA POWER DELHI DISTRIBUTION
LTD. & ORS. ...RESPONDENTS

MEMO OF PARTIES

1. SH. SUDESH
S/O MEETAL
R/O KH No.46/10/1, GALI No. 9 & 10,
KAUSHIK ENCLAVE,
BURARI, DELHI-110084
2. SH. TEJBIR
S/O SH. DHAN PRAKASH SINGH
R/O KHASRA No. 40/10/1, GROUND FLOOR,
NEAR NAALA, STREET No.9,
BLK-A, KAUSHIK ENCLAVE,
KAMAL PUR MAJRA, BURARI,
DELHI-110084
3. SH. MANISH VERMA
S/O SH. SUBHASH CHAND VERMA
R/O A-46/10/01, BLOCK-A,
KAUSHIK ENCLAVE, BURARI,
DELHI-110084
4. SH. GOPAL DUTT SATYABALI



S/O KHIMANAND STYABALLI

5. SH. DINESH PANDEY
S/O LATE AMBA DUTT PANDEY
6. HARI DUTT
S/O K.N. PANDEY
7. SH. HARISH CHANDRA
S/O SH. JAI BALLABH
8. SH. BAL KISHAN CHAUHAN
S/O NOT KNOWN

COMPLAINANT NO. 4 TO 8
R/O A-46/9/2, GALI No. 9,
BLOCK -A, KAUSHIK ENCALVE,
BURARI, DELHI-110084

..COMPLAINANTS

VERSUS

1. TATA POWER DELHI DISTRIBUTION LTD.
THROUGH ITS MANAGER
33, KV GRIDS, HOG, D PROJECT
(URBAN CIRCLE), SHALIMAR BAGH,
NEAR JASPAL KAUR PUBLIC SCHOOL,
DELHI-110052
2. EX. PARMINDER SINGH
HOG (DP) SHALIMAR BAGH
DELHI
3. THE SHO , P.S.: BURARI,
DELHI-110084
4. DY. COMMISSIONER OF MCD
CIVIC CENTRE, S.P. MUKHERJEE MARG,
MINTO ROAD, DELHI-110002



5. DELHI JAL BOARD
THROUGH ITS CHAIRMAN
VARUNALAYA, KAROL BAGH,
NEW DELHI-110005

6. INDRAPRASTHA GAS LIMITED, *Through its M.D.*
Plot Number 4, IGL Bhawan,
Sector 9 Road, Rk Puram Sector 9,
Delhi - 110022 (Opposite Andhra Bank,
Near Sangam Cinema and ICICI BANK
ATM, Community

Handwritten signatures and text:
RESPONDENTS
COMPLAINANTS
THROUGH
COUNSEL
Handwritten names: RAJESH, SURESH, etc.

DELHI
DATED: 2 ¹²/₂₄

14. A perusal of the aforesaid Memo of Parties, clearly shows that the petitioners in the present writ petition, were also the petitioners in the said suit.

15. The aforesaid suit was disposed of *vide* order dated 02nd December, 2024, by noting as follows:

“xxx xxx xxx

24. It is pertinent to refer to judgment of Hon'ble High Court of Delhi in *Rajpal Singh vs. Executive Engineer BYPL* WP(C) 7666/2009 decided on 28.01.2011, wherein Hon'ble High Court of Delhi referred to *Rajesh Mehra & others vs BSES* WP(C)5885/2010 decided on 19.01.2011 and held that the petitioner has alternative and efficacious remedy as per Section 162 r/w Section 185 (2)(c) of Electricity Act, 2003 r/w Rule 29 & 52 of Indian Electricity Rules 1956. The petitioner was referred to Electrical Inspector of Government of NCT of Delhi.



25. Thus, in view of umpteen and catena of judgments of Hon'ble High Court of Delhi, the law is well settled that no injunction can be granted by a civil court in laying down of electricity lines. It is reiterated that 'the present suit is barred under Section 20A of Specific Relief Act r/w Section 41 (ha) of Specific Relief Act. Further the plaintiff has an equal efficacious remedy as per Section 162 r/w Section 185 (2)(c) of Electricity Act, 2003 r/w Rule 29 & 52 of Indian Electricity Rules 1956.

xxx xxx xxx”

16. Thus, it is seen that the earlier suit filed on behalf of the petitioners herein, was dismissed as not maintainable, in view of an efficacious remedy available in terms of the Section 162, read with Section 185 (2)(c) of Electricity Act, 2003, read with Rule 29 and 52 of Indian Electricity Rules, 1956.

17. This Court further notes that pursuant to the order dated 02nd December, 2024, passed by the Tis Hazari Court in the suit filed by the petitioners herein, the petitioners have already approached the Sub-Divisional Magistrate (“SDM”), Burari, in terms of the statutory remedy available to them.

18. The submission made on behalf of the petitioners in this regard, as averred in the present writ petition, is reproduced as under:

“xxx xxx xxx

s) That thereafter the petitioner has filed a petition under section 152 BNSS before sub divisional magistrate, central, Burari, Delhi-110084, which is pending adjudication and fixed for 21.03.2025, and the respondent has appeared and reply has not been filed by any respondents before Sub Divisional Magistrate, district central, Burari, Delhi.

xxx xxx xxx”

19. It is informed that the aforesaid matter is pending before SDM, Burari.

20. This Court notes that under Rule 3 of Work of Licensee Rules, 2006, it is categorically provided that if at any time owner or occupier of any



building or land, on which any works have been carried out or any support of an overhead line, stay or strut has been fixed, shows sufficient cause, the District Magistrate or the Commissioner of Police or any other officer authorized, may by an order in writing, direct for any such works, support, stay or strut to be removed or altered. Rule 3 of the Work of Licensee Rules, 2006, reads and under:

“xxx xxx xxx

“3. Licensee to carry out works.- (1) A licensee may-

(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or where under any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;

(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of any overhead line on any building or land or having been so fixed, may alter such support:

Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works:

Provided further that if at any time, the owner or occupier of any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorised may by order in writing direct for any such works, support, stay or strut to be removed or altered.

(2) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(3) Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to



revision by the Appropriate Commission.

(4) Nothing contained in this rule shall effect the powers conferred upon any licensee under section 164 of the Act."

xxx xxx xxx"

(Emphasis Supplied)

21. Considering the aforesaid detailed discussion, no further orders are required to be passed in the present writ petition.

22. Accordingly, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 29, 2025/kr