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

+ LPA 297/2024, CM APPL. 21973/2024 & CM APPL. 21976/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Adv.

versus

GULSHAN KUMAR GAMBHIR & ANR.Respondents

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Adv.

8

+ LPA 298/2024, CM APPL. 21982/2024 & CM APPL. 21985/2024

BSES YAMUNA POWER LIMITEDAppellant

Through: Mr. Sandeep Prabhakar, Sr. Adv. Mr.
Anupam V., Mr. Nikhil Sharma, Ms.
S. Akshata, Adv.
Mr. S.K. Singh, Adv.

versus

INDER KUMAR GUPTA & ANR.Respondents

Through: Mr. S.K. Singh, Adv.

9

+ LPA 299/2024, CM APPL. 21987/2024 & CM APPL. 21990/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Adv.

versus

ABDUL RASHID ANSARI & ANR.Respondents

Through: Mr. S.K. Singh, Adv.

10

+ LPA 300/2024, CM APPL. 21991/2024 & CM APPL. 21994/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Sandeep Sethi, Sr. Adv., Mr.
Anupam Varma, Adv. Mr. Nikhil
Sharma, Ms. S. Akshata, Adv.



versus

DES RAJ MADAN & ANR.Respondents

Through: Mr. S.K. Singh, Adv.

11

+ LPA 301/2024, CM APPL. 21995/2024 & CM APPL. 21998/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Advs.

versus

RAVINDER SETH & ANR.Respondents

Through: Mr. S.K. Singh, Adv.

12

+ LPA 302/2024, CM APPL. 21999/2024 & CM APPL. 22002/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Advs.

versus

KUMUD CHANDRA DEKA & ANR.Respondents

Through: Mr. S.K. Singh, Adv.

13

+ LPA 303/2024, CM APPL. 22003/2024 & CM APPL. 22006/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Advs.

versus

HARI PRAKASH CHHIKARA & ANR.Respondents

Through: Mr. S.K. Singh, Adv.

14

+ LPA 304/2024, CM APPL. 22010/2024 & CM APPL. 22013/2024

BSES RAJDHANI POWER LTDAppellant

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Advs.



versus

NARENDER KUMAR MARWAH & ANR.Respondents
Through: Mr. S.K. Singh, Adv.

15

+ LPA 305/2024, CM APPL. 22015/2024 & CM APPL. 22019/2024

BSES RAJDHANI POWER LTDAppellant
Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Adv.

versus

PRAMODH SINGH & ANR.Respondents
Through: Mr. S.K. Singh, Adv.

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+ LPA 306/2024, CM APPL. 22021/2024 & CM APPL. 22024/2024

BSES RAJDHANI POWER LTDAppellant
Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. S. Akshata, Adv.

versus

SUNIL JOHRY & ANR.Respondents
Through: Mr. S.K. Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

12.12.2025

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1. Learned counsel for the Appellant submitted that, while deciding the writ petitions, although the learned Single Judge has rejected the writ petitions filed by the Respondents-writ petitioners on merit but decided the issue of maintainability of the writ petitions against the Appellants, holding them to be a 'State' within the meaning of Article 12 of the Constitution of India.



2. He further submitted that since the issue on merit was covered in favour of the Appellant companies, they did not raise the issue or objection that they were not amenable to writ jurisdiction, before the learned Single Judge.
3. All the counsel for the Appellant companies submitted that though neither raised nor argued, learned Single Judge has framed the issue of maintainability of writ petition and held the same against them without noticing the fact that the issue of maintainability of writ petition has already been set at rest by the High Court.
4. On perusal of the pleadings and the judgment passed by the learned Single Judge, we are of the view that the issue of maintainability of writ petition against the Electricity Distribution Companies, was not required to be decided, as jointly submitted.
5. Be that as it may. We set aside the part of the judgment, particularly Para No. 69 and all corresponding parts of the impugned judgment qua issue no. 1, however, while observing that the issue of maintainability of a writ petition against electricity distribution companies shall remain open, if the same arises in any other writ petition and the parties shall be free to make their submissions in this regard.
6. Captioned appeals and all interlocutory applications stand disposed of.

DINESH MEHTA, J

VIMAL KUMAR YADAV, J

DECEMBER 12, 2025/hk