



2025:DHC:10086



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

% **Date of Decision: 13.11.2025**

+ W.P.(C) 7618/2023 & CM APPL. 29530/2023, CM APPL. 70837/2025

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Sandeep Sethi, Sr. Adv.with Mr. Anupam Varma, Mr. Nikhil Sharma, Ms. Simran Kohli, Mr. Varun Chandhiok and Ms. Riya, Advs.

versus

BHAGWANTI & ANR.

.....Respondent

Through: Mr. Kshitiz Mahipal and Ms. Khairun Nisa, Advs.
Mr. Anirudh Dusaj, Adv. for R-3
Mr.Vikrant N. Goyal, Mr. Piyush Wadhwa, Mr. Harsh Kumar Singh and Mr. Kunal Dixit, Advs. for MCD

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+ W.P.(C) 7620/2023 & CM APPL. 29536/2023

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Tanmay Mehta, Mr. Nikhil Sharma, Ms. Simran Kohli and Mr. Varun Chandhiok, Advs.

versus

INDER CHAWLA & ANR.

.....Respondents

Through: Mr. Anirudh Dusaj, Adv. for R-3
Mr.Vikrant N. Goyal, Mr. Piyush Wadhwa, Mr. Harsh Kumar Singh and Mr. Kunal Dixit, Advs. for MCD



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Mr. Aditya Kapoor, Mr. Mayur
Singhal, Advs. with Mr. Shanky R.S.
Gupta, SPA Holder for R-1

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W.P.(C) 7621/2023 & CM APPL. 29539/2023

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. Simran Kohli and Mr.
Varun Chandhiok, Advs.

versus

KIRAN LAKRA & ANR.

.....Respondents

Through: Mr. Nikhil Jayant, Ms. Rinku Parewa,
Mr. Pradeep, Mr. Vivek, Mr. Anmol
Sharma, Mr. Prabhanshu Hudda, Mr.
Govind Mohindra, Mr. Sahil Sharma
and Mr. Ashish Punj, Advs.
Mr. Anirudh Dusaj, Adv. for R-3
Mr. Vikrant N. Goyal, Mr. Piyush
Wadhwa, Mr. Harsh Kumar Singh
and Mr. Kunal Dixit, Advs. for MCD

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W.P.(C) 9637/2023 & CM APPL. 36925/2023, CM APPL.
36927/2023

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. Simran Kohli and Mr.
Varun Chandhiok, Advs.

versus

MANISH KUMAR GARG & ANR.

.....Respondents

Through: Mr. Kshitiz Mahipal and Ms. Khairun
Nisa, Advs.
Mr. Anirudh Dusaj, Adv. for R-3



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+ W.P.(C) 11330/2023 & CM APPL. 44060/2023

BSES YAMUNA POWER LIMITED

.....Petitioner

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

Mob: 9999061836

Email: moksh@kdatta.in

versus

SMT SHABANA BANO & ANR.

.....Respondents

Through: Mr. Puneet Yadav, SC for R-MCD (Through VC)

Mob: 9999388384

Email:

puneetyadavadvocate@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petitions have been filed, *inter alia*, challenging the directions passed by the Consumer Grievance Redressal Forum ("CGRF"), whereby, the CGRF has directed the petitioner herein, i.e., BSES Yamuna Power Limited, to grant electricity connections to premises that have been booked for unauthorized construction.
2. Learned Senior Counsel appearing for the petitioner submits that directions have been issued by the CGRF for grant of electricity connection in the properties, where unauthorized construction exists. However, the said directions shall be in violation of the various circulars issued by BSES Yamuna Power Limited, wherein, it is clearly stated that no electricity connection shall be granted in any premises where unauthorized



construction exists.

3. Learned counsel appearing for the Municipal Corporation of Delhi (“MCD”) submits that properties *qua* which directions have been given for grant of electricity connection, have already been booked for unauthorized construction.

4. Learned counsels appearing for the private parties submit that though their respective properties have been booked for unauthorized construction, however, no action has been taken by the MCD, till date.

5. This Court is informed that the said properties are occupied for the time being.

6. Having heard learned counsels appearing for the parties, this Court takes note of the order dated 03rd January, 2023, passed by the learned CGRF, which is impugned in *W.P.(C) 7618/2023*, wherein, it has been noted as follows:

“xxx xxx xxx

Further as even after passing of about three years since 2019 – the objection raised, MCD has taken no action against the said premises, then OP shall enquire the MCD about the status of objection as on date, in writing, within a period of 15 days and in case the reply, says that the objection no longer subsists or there is no reply within the required time then OP shall release the electricity connection applied for.

OP is further directed to file compliance report within 30 days from the release of this order.

Accordingly, the complaint is disposed off.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.

”



7. Perusal of the aforesaid order shows that the CGRF has directed the grant of electricity connection upon considering the fact that though the property in question stands booked for unauthorized construction, even after expiry of more than three years post issuance of the Demolition Order, no action against the said property has been taken.

8. This Court takes note of the various instances wherein, despite demolition orders having been passed, requisite action is not taken by the MCD against the said unauthorized constructions owing to various reasons. It is to be noted that even though demolition orders are passed by the MCD against the properties thereby booking the properties, however, on account of various ensuing factors, it is not possible for the MCD to take action against such unauthorized constructions immediately.

9. There are instances when the owners/occupiers of the properties approach the Appellate Tribunal MCD (“ATMCD”), by filing appeals challenging the demolition/sealing orders passed by the MCD. In many such instances, the ATMCD grants stay against the demolition/sealing orders and the said appeals continue to be pending before the ATMCD. In such circumstances, even though demolition orders stand passed against the properties and the properties stand booked for unauthorized construction, the MCD is unable to take action against such unauthorized constructions.

10. There are instances where though properties are booked for unauthorized construction, the owners/occupiers of the respective properties file applications for regularization of the unauthorized construction. Thus, when such applications for regularization are in the process of consideration by the MCD, it often takes a long time on account of various factors. The respective parties at times, take considerable time to deposit requisite



documents before the MCD. Further, right of personal hearing is also sought before the MCD, on account of which, it is not possible for the MCD to expeditiously dispose of such regularization applications.

11. In such cases, where regularization applications are pending before the MCD, sometimes on their own account, and sometimes on account of the orders passed by the Courts, no coercive actions are taken by the MCD during the pendency of the regularization applications before it.

12. This Court has also come across various instances wherein, though demolition orders have been passed, however, the unauthorized construction in the property, in full or in part thereof, is protected by the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. It is to be noted that the said Act continues to be in operation and is in force till 31st December, 2026. Thus, in such cases, even though the respective properties are booked for unauthorized construction by the MCD, no action can be taken by the MCD, on account of operation of law.

13. In various instances, this Court notes that where properties are booked for unauthorized construction, on account of various procedural lapses like non-service of the Show Cause Notices, etc., the matters are remanded back to the MCD for considering the matters afresh and passing fresh orders. Thus, in such circumstances also, though the property may have been booked for unauthorized construction, on account of procedural lapses, the MCD follows the due procedure, as per directions of the various Courts.

14. This Court has also come across various instances where though the MCD has fixed the matter for taking action against the unauthorized construction, however, on account of non-availability of police force or on account of stiff resistance from the general public, the MCD is unable to



take action on the day when such action is fixed. In such cases, the MCD is forced to defer its action against such properties.

15. Accordingly, it is manifest that wherever unauthorized construction is booked by the MCD, the MCD is not always in a position to take time bound action against such unauthorized construction on account of various factors. Thus, there are cases and instances where the action against unauthorized construction is not taken by MCD for a prolonged period of time.

16. This Court takes note of one such instance, as noted by the learned CGRF in the order impugned in *W.P.(C) 7618/2023*, wherein, the CGRF has noted that despite passing of about three years, action against the unauthorized construction has not been taken by the MCD. Thus, in such circumstances, where properties remain occupied by various residents, this Court finds no error in the direction of the CGRF to grant electricity connection in the meanwhile, pending action against such unauthorized construction.

17. This Court cannot be oblivious to the fact that when properties are occupied and no electricity connection is granted, there may be unauthorised use of electricity. In such cases, the unauthorized use of electricity leads to cases of electricity theft, which ought to be curtailed.

18. This Court also takes note of the fact that where such properties, wherein, electricity connections are not provided on account of various reasons, and the said properties are occupied, any instance of electricity theft and unauthorized use of electricity, would also lead to unwarranted and avoidable threat to the safety of the people.

19. Thus, considering the detailed discussion hereinabove, this Court is of



the view that there is no impediment with the petitioner company to grant or continue with electricity connection in the premises, where such premises are booked for unauthorized construction. However, as and when MCD takes any coercive action against such properties, which are booked for unauthorized construction, the MCD shall duly intimate the concerned electricity companies, in that regard.

20. The electricity company shall be free to disconnect the electricity connection, as and when such request or direction is given by the MCD, at the time of taking action against the unauthorized construction in the properties in question.

21. Accordingly, at the time of any demolition or sealing action being undertaken by the MCD, the electricity company shall duly follow the directions of the MCD, and disconnect the electricity at that point of time.

22. It is further clarified that grant of fresh electricity connection or continuation of electricity connection in properties, which already stand booked for unauthorized construction, or are subsequently so booked for unauthorised construction, shall not be construed by the MCD as violation of the circulars in that regard, which are issued by the respective electricity companies.

23. The aforesaid practice directions shall be followed by the respective parties, so that requisite action for disconnection of electricity is taken by the electricity companies, pursuant to intimation by the MCD, at the time when actual action is taken by the MCD, for either sealing or demolition of such premises on account of unauthorised construction/encroachment/excess coverage.

24. Accordingly, it is directed that the electricity companies/Distribution



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Companies (“DISCOMS”), shall fully cooperate with the MCD and take requisite action for disconnection of the electricity, at the time when MCD is taking action against unauthorized construction/encroachment/excess coverage, for sealing or demolition of the said properties.

25. The present writ petitions, along with the pending applications, are disposed of, in terms of the aforesaid directions.

MINI PUSHKARNA, J

NOVEMBER 13, 2025/KR