



2025:DHC:10671



\$~26

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

%

Date of Decision: 27.11.2025

+ W.P.(C) 7309/2024 & CM APPL. 30538/2024, CM APPL. 35489/2024, CM APPL. 35490/2024, CM APPL. 38150/2024, CM APPL. 38151/2024, CM APPL. 39242/2024, CM APPL. 74293/2024, CM APPL. 828/2025

BSES RAJDHANI POWER LIMITED

.....Petitioner

Through: Mr. Sharique Hussain, Adv.
Mob: 9540535859
Email: sharique@rrjassociate.com

versus

MR. VINOD SINGH NEGI & ORS.

.....Respondents

Through: Ms. Shilpa Ohri, SC for MCD
Mob: 9871900539
Email: shilpakapoorohri@gmail.com

Mr. VK Pandey, Mr. Akash Pandey, Mr. Chaitanya Sharma, and Ms. Tanya Yadav, Advocates for R-1 to R-10 and R-12 to R-18 (through VC)

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

1. The present writ petition has been filed seeking quashing of the order dated 08th March, 2024, passed by Consumer Grievance Redressal Forum ("CGRF") in the case bearing no. CG-02/2024 titled as "*Vinod Singh Negi & Others Versus BSES Rajdhani Power Ltd.*"
2. This Court has already noted that pursuant to the directions of this



Court, electricity connection has already been installed by the petitioner.

3. It is to be noted that with regard to the grant of electricity connection in properties, where the same are booked for unauthorized construction, this Court in the case of *W.P.(C) 7618/2023 titled as “BSES Yamuna Power Limited Versus Bhagwanti & Anr.”* and in other connected matters, has passed directions *vide* judgment dated 13th November, 2024, in the following manner:

“xxx xxx xxx

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 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."

(Emphasis Supplied)

4. Accordingly, noting the aforesaid, no further orders are required to be passed in the present matter.
5. The present petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

NOVEMBER 27, 2025

ak