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

+ W.P.(C) 12461/2025 & CM APPL. 50704/2025

DR. SUDAY SHANKAR JHA

.....Petitioner

Through: Mr. Dushyant Bhargava, Mr. Vikram Singh, Mr. Pawan Mehta, Ms. Lubna Akhtar, Mr. Dhananjay Mishra and Mr. Rohit Singh, Advocates
Mob: 9013173324

versus

BSES RAJDHANI POWER LIMITED

.....Respondent

Through: Mr. Rishab Raj Jain, SC with Ms. Kirti Garg, Advocate
Mob: 9811079695
Email: rishab@rrjassociate.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **19.08.2025**

1. The present writ petition has been filed, *inter alia*, to disconnect the unauthorized and illegal electricity connection at *Plot No. 24, Khasra No. 133/25, Jai Vihar, Village Dichao Kalan, Najafgarh, New Delhi*.
2. There is further prayer for direction to the respondent to decide the representation dated 11th July, 2025 of the petitioner in a time bound manner.
3. The present petition has been filed by the petitioner on the ground that the petitioner is the lawful and title owner of property bearing *Plot No. 24, area measuring 811 sq. yards, built-up area measuring 211 sq. yards, part of Khasra No. 133/25, situated at Jai Vihar, Village Dichao Kalan, Najafgarh, New Delhi*.



4. Learned counsel appearing for the petitioner submits that the petitioner prays for direction to the respondent to disconnect the electricity connection granted by the respondent to the unauthorized occupiers of the property in question.
5. It is submitted that illegal encroachers, namely Smt. Geeta and Sh. Manoj, had illegally trespassed and encroached upon the property of the petitioner and have got executed certain forged documents with the intent to grab electricity connections and claim ownership.
6. It is submitted that the said encroachers, Geeta and Manoj, have illegally, and in an unauthorized manner, entered into the aforesaid premises belonging to the petitioner.
7. *Per contra*, learned counsel appearing for the respondent-BSES Rajdhani Power Ltd., has handed over documents to this Court to submit that a suit in regard thereto and in respect to the same property, has already been filed on behalf of the said Smt. Geeta, wife of Sh. Manoj, in which the petitioner herein is a party.
8. The said documents are taken on record.
9. He submits that the suit has been filed by the said party seeking injunction against the petitioner herein, thereby, praying that the said party may not be dispossessed by the petitioner herein from the property in question.
10. Learned counsel appearing for the respondent-BSES, further submits that initially, the respondent herein was also a party in the said suit. However, subsequently, on oral request of the respondent herein, the respondent was deleted from the said suit.
11. Attention of this Court has been drawn to the order dated 27th



November, 2024 passed in CS DJ ADJ 385/24, titled as “*Geeta Versus Soday Shankar Jha and Ors.*” passed by the Court of District Judge-05 (South West), Dwarka Courts, and in particular to paragraph 5 of the said order, which reads as under:

“xxx xxx xxx

5. At this stage, Ld. Counsel for plaintiff submits that, he has also impleaded defendant no. 3 i.e. BSES Rajdhani Power Limited as they were threatening to disconnect electricity connection without following due process of law. However, Ld. Counsel for defendant no. 3 who is present in the court submits that, their department would not do any disconnection without due process of law hence, it may be deleted. He further submits that, AR would be present on NDOH before this Court for her statement in this regard. Ld. counsel for plaintiff submits that, he has no objection, if defendant No. 3 be deleted on its statement.

xxx xxx xxx”

12. Subsequently, vide order dated 11th March, 2025, the respondent herein was deleted from the array of parties in the said suit.

13. Learned counsel appearing for the respondent submits that the respondent has already given a statement in the said suit proceedings that they shall abide by any order passed by the Court in the suit. He submits that in case, ultimately there are directions to the effect that the occupants of the property in question are encroachers and their occupation is unlawful in any manner, the respondent-BSES shall take due action for disconnection of the electricity, in accordance with the due procedure and the law.

14. Responding to the aforesaid submissions, learned counsel appearing for the petitioner submits that the petitioner herein has also filed a counter claim in the said suit. He further submits that since the respondent herein has been deleted from the array of parties in the said suit, an amended suit has been filed, wherein, the prayer with regard to disconnection of electricity is



no longer present.

15. Having heard learned counsels appearing for the parties, this Court notes that suit with regard to the subject matter of the present writ petition, is already pending in the District Court, Dwarka.

16. The counterclaim of the petitioner herein is also pending adjudication before the said Court.

17. This Court further takes note of the submissions made by learned counsel appearing for the respondent herein that the respondent shall take steps in accordance with law after following the due procedure, in terms of any order that may be passed by the District Court, Dwarka, in the aforesaid suit pending between the petitioner and the other occupier of the property in question.

18. Accordingly, the respondent-BSES is bound down by the said statement.

19. It is directed that in case the District Court, Dwarka ultimately comes to a conclusion that the occupation by the other party of the property in question is unlawful, requisite action shall be taken by the respondent, in terms of the directions passed by the said Court.

20. As regards the prayer of the petitioner for deciding its representation dated 11th July, 2025, this Court notes the submission of learned counsel appearing for the respondent that it is not possible for them to give any finding in the representation as on date, since the issue with regard thereto is already pending in the suit between the petitioner herein and the other private party, who is occupying the property in question.

21. The aforesaid statement of learned counsel for the respondent is taken note of.



22. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 19, 2025/ak