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

+ **W.P.(C) 5151/2026 & CM APPL. 25211-25212/2026**

RAJ BANTI & ANR.

.....Petitioners

Through: Mr. Prakhar Mithal and Mr. Arjun Katyal, Advocates.

versus

BSES RAJDHANI POWER LIMITED & ORS.Respondents

Through: Mr. Sandeep Sethi, Senior Advocate with Mr. Manish Srivastava, Mr. Moksh Arora, Mr. Santosh Ramdurg, Mr. Hardik Vashisht and Ms. Riya Kumar, Advocates for R-1/BSES.

Ms. Shilpa Ohri, Addl. Counsel with Mr. Bharat Singh, Advocate for R-2/MCD.

Ms. Manika Tripathy, standing counsel for DDA with Mr. Saksham and Ms. Yimcha Longchar, Advocates for R-3/DDA.

Mr. Nitin Kumar, Panel Counsel (Civil), GNCTD/R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

17.04.2026

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1. The present writ petition has been filed seeking a restraint order against the respondent no.1/ BSES Rajdhani Power Limited (BRPL) from installing a transformer in the public park situated at *M-Block, Prem Nagar, Uttam Nagar, New Delhi* ('subject park'). A further direction is sought that the respondent should identify an alternative lawful site for such installation.



2. Earlier, the petitioner had filed another writ petition being W.P.(C) 4579/2026 which was disposed of by this Court on 15th April, 2026 taking note of the submission of the respondents that the writ petition was premature since the requisite permission/ approval for installation of the transformer has not been received from the respondent no.2/ MCD.

3. Apparently, on the very same date, *i.e.*, 15th April, 2026, permission was granted by the respondent/MCD for installation of the transformer (*Annexure P-4* to the writ petition), which fact was not in the knowledge of counsel appearing for MCD at the time of hearing.

4. Counsel for the petitioner submits that the transformer is being installed in a colony park which is a small park and is the only open space available for the residents of the locality. The subject park is used by the residents, including children for various activities.

4.1 It is submitted that the installation of the transformer would take away substantial part of the subject park.

5. Counsel for the petitioner further submits that there are alternative sites available in the vicinity, including the BRPL Office and the Metro Station where the transformer can be installed.

6. Mr. Sandeep Sethi, senior counsel appearing on behalf of the respondent no.1/ BRPL, submits that the total area required for installation of the transformer would be 6.4 metres X 5.7 metres and the transformer would be installed in one corner of the subject park. He further submits that the transformer is a self-contained structure and would not pose any threat to the residents.

7. Ms. Shilpa Ohri, counsel appearing on behalf of the respondent no.2/ MCD, on instructions submits that the total area of the subject park is 21.4



metres X 15.5 metres. She submits that the permission has been granted by MCD after due consideration.

8. I have heard the counsel for the parties.

9. It is an undisputed fact that the transformer is required to augment the electricity supply in the locality and is ultimately for the benefit of the residents therein. It is submitted on behalf of respondent no.1/ BRPL that there have been several complaints with regard to inadequate electricity supply in the locality.

10. Insofar as the location of the transformer is concerned, the concerned authorities, *i.e.*, MCD as well as BRPL have identified a place suitable for installation of the transformer.

11. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot question the decision of the respondents in locating the transformer in the subject park. There is no allegation of *mala fide* in the said decision as the installation of the transformer is towards a public utility.

12. Broadly, in terms of the dimensions noted above, the transformer would not take up more than 10 to 15% of the total area of the subject park.

13. Considering that the transformer is for the overall benefit of the residents of the locality, I am not inclined to interfere with the said decision. Similarly, in exercise of its jurisdiction under Article 226 of the Constitution of India, this Court cannot get into the question of whether the alternative sites as proposed by the petitioner are more suitable or not. This amounts to holding an inquiry with regard to the suitability, which is not within the domain of the Court.

14. Accordingly, I do not find any merit in writ petition and the same is



dismissed. All pending applications stand disposed of.

APRIL 17, 2026

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AMIT BANSAL, J