

(2021) 12 DEL CK 0153

In the Delhi High Court

Case No : Civil Writ Petition No. 12608 Of 2021

Savita Yadav @ Savita

APPELLANT

Vs

Bses Rajdhani Power Limited

RESPONDENT

Date of Decision : 21-12-2021

Acts Referred:

Citation : (2021) 12 DEL CK 0153

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks grant of electricity connection to his property bearing No. E-308, Sanjay Colony, Okhla Industrial Area, Phase- II, New Delhi- 110020.
2. Petitioner is alleged to have purchased the property by way of Agreement to Sell etc. and claims to be in possession of the property and claims to have paid the entire sale consideration.
3. Learned counsel appearing for the respondent BSES Rajdhani Power Ltd submits that the electricity connection was denied on account of the fact that a complaint was received from Mr. Amarjeet Yadav, who claimed to be the earlier owner of the jhuggi and he had stated that he had sold the jhuggi to the petitioner and petitioner had not paid the entire sale consideration and a sum of Rs.1,50,000/- was still due and payable.
4. This is disputed by learned counsel appearing for the petitioner. He submits that Mr. Amarjeet Yadav had sold the property and even in the Agreement to Sell it is recorded that full and final payment has been duly received. Learned counsel submits that till date no proceedings have been initiated by Mr. Amarjeet Yadav challenging any of the transfer documents in favour of the petitioner.
5. By order dated 10.11.2021, Mr. Amarjeet Yadav was impleaded as a party.

Thereafter, notice was directed to be issued to him. As per the office report notice was sent to Mr. Amarjeet Yadav on his whatsapp number and the same has been duly served. None appears for Mr. Amarjeet Yadav.

6. BSES Rajdhani Power Ltd has refused the connection on the ground that there is a complaint received from the earlier owner about non payment of the sale consideration. BSES Rajdhani Power Ltd is not an adjudicating authority to adjudicate title disputes between the parties. Even if there was a dispute between the seller of the property and the petitioner, BSES Rajdhani Power Ltd should not have declined to grant an electricity connection unless there was a restraint order from a Court of law.

7. I am unable to sustain the rejection of the connection on the said ground by BSES Rajdhani Power Ltd.

8. Accordingly, on petitioner completing the financial and codal formalities for grant of an electricity connection, respondent BSES Rajdhani Power Ltd shall grant the electricity connection in accordance with the rules.

9. Petition is allowed in the above terms.

10. It is clarified that this orders shall not amount to recognition of the title of the petitioner to the said property and shall be without prejudice to the dispute of title between Mr. Amarjeet Yadav and the Petitioner.

11. Order dasti.