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

% **Date of Decision: 01st August, 2025**

+ **W.P.(C) 4352/2025 & CM APPL. 20122/2025**

SAURABH PRAKASH

.....Petitioner

Through: Mr. Utsav Jain, Mr. Anant Aditya
Patro, Advocates along with
petitioner in person (M:9650681599)

versus

BSES RAJDHANI POWER LTD & ANR.

.....Respondents

Through: Mr. Manish Srivastava, Mr. Moksh
Arora, Mr. Santosh Ramdurg,
Advocates for BSES (M:9999061836)
Mr. Arun Vohra, Advocate for
Respondent No. 2 (M: 9811089104)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J: (Oral)

1. The present writ petition has been filed, *inter alia*, for directions to the respondent no. 1, i.e., BSES Rajdhani Power Ltd., to reduce the sanctioned electricity load of the meter assigned to *Flat Nos. 1512 & 1513, 38-A, Ansal Tower, Nehru Place, Delhi*.
2. It is submitted that the tenant of the said property, has requested that the load be reduced, as on account of the current load of electricity in the property, the tenant is required to deposit a higher amount of electricity bill, despite the fact that electricity of such value is not consumed by the said tenant.
3. It is submitted that the property in question earlier belonged to Late



Mrs. Lakshmi Anand Prakash.

4. It is further submitted that the Flat No. 1512, by way of the Will dated 21st November, 2014, has been bequeathed in favour of Mrs. Poorva Prakash, who is the wife of Mr. Samir Prakash.

5. It is stated that after the passing of Late Mrs. Lakshmi Anand Prakash, her son, i.e., Shri Samir Prakash and his family, have not come forward to distribute her property, in accordance with her wishes.

6. Thus, it is not possible to mutate the said flats, as mutation requires No Objection Certificates (“NOC”) from all Class I legal heirs.

7. Consequently, the said flats remain in the name of Late Mrs. Lakshmi Anand Prakash in the land/revenue records and have still not been transferred in favour of Mrs. Poorva Prakash.

8. Therefore, it is submitted that the executor of the Will of Late Mrs. Lakshmi Anand Prakash, has granted a Special Power of Attorney (“SPA”) dated 17th August, 2024, to the petitioner, for maintaining and preserving the estate of Late Mrs. Lakshmi Anand Prakash in the interim, until her assets are finally bequeathed to the legal heirs.

9. Thus, on account of the same, the petitioner had filed an application with the respondent no.1-BSES for reduction in the sanctioned load of the meter assigned to *Flat No. 1512, 38-A, Ansal Tower, Nehru Place, Delhi*, which has been declined by the respondent-BSES.

10. This Court *vide* order dated 07th April, 2025 had directed the impleadment of Mrs. Poorva Prakash as respondent no. 2, in whose favour, as per the Will, the property in question has been bequeathed.

11. A short reply has been filed on behalf of respondent no. 2, wherein, it has been stated as follows:



“xxx xxx xxx

3. Without prejudice to the Respondent No.2's rights and remedies available under law and without going into the veracity and genuineness of the Will dated 21.11.20214 (“**Will**”) executed by Mrs. Lakshmi Anand Prakash (“**Mrs. Prakash**”) and the Codicil dated 05.06.2017 and the bequesth therein, which has not been probated till date, it is submitted that if it is the case of the Petitioner that Mrs. Prakash bequeathed the said Flat No. 1512, 38 -A, Ansal Tower, Nehru Place, Delhi to the Respondent No. 2, there was no occasion for the Petitioner to have put the said property on lease.

4. Further, the Petitioner regarding has made certain assertions regarding the Will. In this regard, it is submitted that the Petitioner is vainly attempting to create evidence by pleading something which is completely innocuous to the present matter. The Respondent No. 2 neither admits nor denies the said assertions as the same have nothing to do with the present matter.

xxx xxx xxx”

12. Accordingly, this Court notes that respondent no. 2 has merely stated that the flat in question could not have been put to lease in view of the fact that the same has been bequeathed in favour of respondent no. 2.

13. Petitioner, who appears in person, submits that the Will dated 21st November, 2014, was executed by Late Mrs. Lakshmi Anand Prakash.

14. He draws the attention of this Court to the said Will, wherein, Mr. Bimal Chandra Datta has been appointed as the Administrator of the said Will. The relevant portion of the Will dated 21st November, 2014, with regard to the Administrator is reproduced as under:

“xxx xxx xxx

Administrator

Mr. Bimal Datta R/o 321, Mandakini Enclave, Alaknanda, New Delhi-110019 [who is the husband of Urmila Dutta who is the Bua of Samir and Saurabh (sister of my late husband)] shall be the Administrator of this Will. In case he does not find it practicable for any reason to be the Administrator himself, he shall appoint another person to be the Administrator.



xxx xxx xxx”

(Emphasis Supplied)

15. The petitioner has also drawn the attention of this Court to the SPA in his favour, which has been annexed as *Annexure-P1* to the present petition. The said SPA reads as under:

SPECIAL POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS THAT I, Mr. Bimal Datta (also Mr. Bimal Chandra Datta), 321 Mandakini Enclave, New Delhi had been appointed by Mrs. Lakshmi Anand Prakash W/o Late Dr. Anand Prakash as the Administrator of her Will. The said Will has not yet been implemented.

NOW I, Mr. Bimal Datta, 321 Mandakini Enclave, New Delhi do hereby nominate, constitute, appoint and authorize Mr. Saurabh Prakash S/o Late Dr. Anand Prakash R/o Apartment number T – 16A, Windsor Court, DLF Phase 4, Gurgaon, Haryana as my lawful Attorney to exercise all or any of the powers hereby conferred, in my name *and* on my behalf in respect of the affairs of Mrs. Lakshmi Anand Prakash:

1. To file petitions before the Courts / Authorities as he deems appropriate to safeguard the interests of the estate of Mrs. Lakshmi Anand Prakash and / or to continue any proceeding before any Court or Authority already filed by or on behalf of Mrs. Lakshmi Anand Prakash,
2. Towards the aforesaid purposes to act himself as my counsel and / or to engage or appoint any counsel, advocate, pleader, or lawyer to conduct the said proceedings.
3. Towards the aforesaid purposes to sign and verify all plaints, pleadings, applications, complaints, petitions, vakalatnamas, or documents before such Courts / Authorities and to deposit, withdraw and receive any pleading, or document and any money or



T.C
[Signature]




moneys from the court or from the other party either in execution of the decree or otherwise and sign and deliver proper receipts for me and discharges for the same,


4. Towards the aforesaid purposes to apply for inspection and inspect documents and records, to obtain copies of documents and papers,
5. Towards the aforesaid purposes to compromise the proceedings in such manner as the said attorney shall think fit,
6. Towards the aforesaid purposes to do generally all other acts and things for the conduct of the said proceedings as I could have done the same if I were personally present.


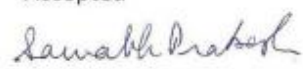
I do hereby agree and confirm that subject to this I ratify that all the acts, deeds and things done by my said attorney shall be construed as acts, deeds and things done by me as if personally present

IN WITNESS WHEREOF, I HAVE SIGNED THIS SPECIAL POWER OF ATTORNEY AT NEW DELHI, ON THIS 17th DAY OF AUGUST 2024 IN THE PRESENCE OF THE FOLLOWING WITNESSES:

WITNESSES:

1. 
UTSAV JAIN
12/6-5, 2nd Floor,
Vasundhara, Indraprastha,
U.P - 201012

 ARYA
CHANDRA
PATHI
NEW DELHI


EXECUTANT
Accepted

SAURABH PRAKASH

16. Thus, the petitioner, who appears in person, submits that the petitioner has been acting under the aforesaid SPA granted in his favour by the Administrator, since distribution of the property in question, has still not been done in terms of the Will dated 21st November, 2014.

17. This Court takes note of the submission of the petitioner that Late Mrs. Lakshmi Anand Prakash passed away on 24th May, 2024, leaving



behind a Will dated 21st November, 2014, whereby, she left Flat Nos. 1512 and 1513 to her two daughter-in-laws, i.e., Mrs. Poorva Prakash, wife of Sh. Samir Prakash, and Mrs. Mohini Prakash, wife of the petitioner herein.

18. This Court further takes note of the fact that the said flats were leased out to various tenants over the years and at present, the said flats are under the lease in favour of M/s Sharp & Tannan, a chartered account firm registered with the Institute of Chartered Accountants of India (“ICAI”).

19. This Court also takes note of submission of the petitioner that as per the request of the said tenant, the petitioner being the SPA holder of the Administrator of the Will of Late Mrs. Lakshmi Anand Prakash, had applied for reduction of the sanctioned electricity load *vide* application bearing no. OLNHP0402251199 dated 04th February, 2025. However, the said application of the petitioner was not acceded to by the respondent-BSES, Rajdhani Power Ltd. on account of which, the present petition has been filed with the prayer that the sanctioned load for the said flats be reduced from 16 KV to 5 KV.

20. This Court takes note of the submissions of learned counsel for respondent no.1-BSES Rajdhani Power Limited that the application of the petitioner was not acceded to, since the petitioner was neither the occupier of the property, nor the owner of the property.

21. This Court takes note of the Will dated 21st November, 2014 executed by Late Mrs. Lakshmi Anand Prakash, wherein, Mr. Bimal Dutta has been appointed as the Administrator. Subsequently, Mr. Bimal Dutta has further executed a SPA in favour of the petitioner, to act on his behalf.

22. This Court also takes note of the submissions made by the petitioner that on account of the family dispute, Mrs. Poorva Prakash, wife of Sh.



Samir Prakash, has not come forward to take possession of the Flat No. 1512 in question.

23. It is to be noted that Mrs. Poorva Prakash is the wife of Sh. Samir Prakash, who is the elder brother of the petitioner herein.

24. This Court takes note of the submission made on behalf of the respondent no. 2 that the petitioner or anyone could not have let out the property to anyone. However, the aforesaid submission made on behalf of the respondent no. 2 is rejected, as this Court takes note of the fact that the said flats, which were owned by Late Mrs. Lakshmi Anand Prakash, were being let out during her lifetime also. Therefore, merely because there is a family dispute and the possession of the flats has not been taken, will not mean that the property shall lie wasted.

25. Respondent no. 2 is at liberty to seek her remedies, in accordance with law, with regard to the possession of the flat or with regard to any amount which is due and payable to respondent no. 2, on account of the said Flat No. 1512 having been let out.

26. It is made clear that, in the present writ petition, this Court is confining itself only to the issue of reduction in the sanctioned electricity load for the flats in question and has not gone into any issue with regard to the title or interest of any party in the flats in question.

27. All rights and contentions of the petitioner and respondent no. 2 as regards the title and interest of the flats in question are left open, which shall be decided in appropriate proceedings.

28. Considering the peculiar circumstances of the case and considering the fact that the flats in question have been let out even during the lifetime of Late Mrs. Lakshmi Anand Prakash, i.e., the original owner of the flats in



question, this Court directs the respondent no.1 to process and consider the application of the petitioner for reduction of the sanctioned electricity load of the meter assigned to Flat No. *1512, 38-A, Ansal Tower, Nehru Place, Delhi* from 16 KV to any reduced load, after inspection of the premises and in accordance with law.

29. It is clarified that respondent no. 1 shall not be affected or concerned with any dispute with regard to the ownership or title of the flats in question between the petitioner and the respondent no. 2.

30. Let the final decision and action be taken by respondent no. 1, in a time bound manner, preferably, within a period of four weeks, from today.

31. At the time of considering the application, the petitioner shall be granted hearing and any submission made by the petitioner may be taken into account.

32. It is clarified that merely because this Court has directed the reduction of the sanctioned electricity load of the meter assigned to Flat No. *1512, 38-A, Ansal Tower, Nehru Place, Delhi*, the same shall not create any special equity in favour of the petitioner.

33. It is further clarified that this Court has not given any finding on the rights, title or interest of either the petitioner or respondent no. 2 with regard to the flats in question.

34. With the aforesaid directions, the present writ petition, along with pending application, is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 1, 2025/au