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

% **Date of Decision: 02nd December, 2025**

+ W.P.(C) 18286/2025

JAIN HEALTHCARE CENTRE

.....Petitioner

Through: Ms. Shivani Kant, Adv.

Mob: 9717181509

Email: advshivanikant@gmail.com

versus

BSES RAJSHANI POWER LTD.

.....Respondent

Through: Mr. Manish Srivastava, Mr. Moksh Arora and Mr. Santosh Ramdurg, Advs.

Mob: 7982486879

Email: santosh@kdatta.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed seeking directions to the respondent for installation of electricity meter in the premises of the petitioner, i.e., 537/5, *Matushri Bhawan, Doodh Wali Gali, Mehrauli, New Delhi-110030*.
2. It is submitted that the petitioner is a hospital/healthcare centre, comprising of ground floor, first floor, second floor and third floor. On account of the healthcare services, lift is sought to be installed in the premises, for which, an application was made to the respondent, for installation of a new electricity connection.
3. It is submitted that there is an already existing meter for power connection, however, for further facilities like installation of lift, a new phase connection with higher voltage has been applied for. However, the



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respondent has not granted the fresh electricity connection on the ground that the property in question is booked for unauthorized construction.

4. Responding to the present writ petition, learned counsel appearing for the respondent, who appears on advance notice, has handed over to this Court, a copy of the letter issued on 16th April, 2025. He submits that the petitioner had applied for a new connection in April, 2025, pursuant to which, the aforesaid letter dated 16th April, 2025 was issued raising deficiencies. The said letter dated 16th April, 2025, is reproduced as under:

BSES		BSES RAJDHANI POWER LIMITED									
(Division: SOUTH-VASANT KUNJ)											
Application No:	ONVKJ1604251645	Print Date:	27-11-2025 04:36:18								
Application Type:	New Connection Request	Issue Date:	16-04-2025 14:53:25								
Applicant Name:	Ms .USHA JAIN .										
Mobile Number:	*****4774										
Address:	537, SECOND FLOOR LEFT SIDE, WARD NO. 5, BANGLA CHOWK, VILL MEHRAULI .Delhi 110030										
Subject:	Intimation of Deficiency in your Application/Request										
Dear Applicant,											
We would like to inform you that we shall be able to process your application only after removal of deficiencies as mentioned below:- CLEAR OWNERSHIP PROOF RE UPLOAD REQUIRED - Ownership Proof Required											
Deficiency Reason		Suggested Solution									
Incomplete Application Form as per clause no 11(1) (v), 11(1) (vi), 11(1) (vii) of DERC Supply Code		Ownership proof not submitted. Please submit online or else visit our office for further processing of your application.									
In case of failure in removal of the deficiencies/defects & intimation within 30 days from this letter, the application shall be treated as cancelled.											
For any clarification you may follow below instructions:											
<table border="1"><tr><td colspan="2">1. Upload the deficiency using the SMS link sent to your registered mobile number.</td></tr><tr><td colspan="2">2. Call our helpline at 19123 or email brpl.customercare@reliancegroupindia.com</td></tr><tr><td>3: Visit Customer Help Desk (Upbhokta Mitra)</td><td>4. Contact Business Manager: Email : bm.vkj@reliancegroupindia.com</td></tr><tr><td colspan="2">Visiting Address: BSES DIGI SEVA KENDRA Near Sector A, Pkt C, Opposite D-1, Vasant kunj New Delhi 110070</td></tr></table>				1. Upload the deficiency using the SMS link sent to your registered mobile number.		2. Call our helpline at 19123 or email brpl.customercare@reliancegroupindia.com		3: Visit Customer Help Desk (Upbhokta Mitra)	4. Contact Business Manager: Email : bm.vkj@reliancegroupindia.com	Visiting Address: BSES DIGI SEVA KENDRA Near Sector A, Pkt C, Opposite D-1, Vasant kunj New Delhi 110070	
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Visiting Address: BSES DIGI SEVA KENDRA Near Sector A, Pkt C, Opposite D-1, Vasant kunj New Delhi 110070											
Yours faithfully, Team CMG											
(This is a system-generated letter and does not require a signature.)											
<small>Regd. Office :BSES Rajdhani Power Ltd(A joint venture of Reliance Infrastructure Ltd & Govt.of NCT of Delhi)BSES Bhawan,Nehru Place,NEW DELHI-110019 CIN No:U40109DL2001PLC111527,Telephone No:011-3999 9707, Fax No:011-3999 9890, Email:brpl.customercare@reliancegroupindia.com, Website:www.bsesdelhi.com</small>											

5. Perusal of the aforesaid letter shows that the deficiency, as raised by



the respondent, was with regard to the documents of ownership proof having not been submitted.

6. This Court also takes note of the submission made by learned counsel appearing for the respondent that the premise on which the present writ petition has been filed is different from the alleged deficiency, which has been stated by the petitioner before this Court.

7. At this stage, learned counsel appearing for the petitioner submits that the petitioner has orally been informed that its application for installation of the new electricity connection, has not been considered, on account of the property having been booked for unauthorized construction.

8. If that be the case, it is to be noted that this Court has already directed in *W.P.(C) 7618/2023*, titled as “*BSES Yamuna Power Limited Versus Bhagwanti & Anr.*” and in other connected matters, that electricity connection shall not be disconnected, and fresh electricity connection shall be provided in properties even though the same are booked for unauthorized construction. The electricity connection shall be disconnected by the respective electricity companies only at the time when action is sought to be taken by the Statutory Authority against the unauthorized construction.

9. Relevant portions of the said judgment, passed by this Court, read as under:

“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)

10. This Court further takes note of the submission made by learned counsel appearing for the respondent that since the time period for removing the deficiencies has already lapsed, the petitioner would be required to submit a fresh application for a new electricity connection.



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11. Accordingly, the petitioner is directed to submit a new application for a new electricity connection with the respondent-BSES Rajdhani Power Limited.
12. Upon receipt of the said application, the same shall be processed and requisite action shall be undertaken by the respondent, in accordance with law.
13. It is directed that along with the fresh application for new electricity connection, the petitioner shall also submit the ownership proof, in terms of the earlier deficiency letter issued by the respondent.
14. It is directed that the issue, as regards any existing unauthorized connection in the property in question, shall not be a ground for rejecting the grant of a new electricity connection.
15. With the aforesaid directions, the present writ petition is accordingly, disposed of.

MINI PUSHKARNA, J

DECEMBER 2, 2025/SK