

(2025) 12 DEL CK 0014

Delhi HC

Case No: Writ Petition (C) No. 18953 Of 2025, Civil Miscellaneous Application No. 78893,
78894 Of 2025

Shri Maiki Jain

APPELLANT

Vs

BSES Rajdhani Power Ltd And
Ors

RESPONDENT

Date of Decision: Dec. 15, 2025

Acts Referred:

- Constitution of India, 1950- Article 21

Hon'ble Judges: Mini Pushkarna, J

Bench: Single Bench

Advocate: Vishal Saxena, Meenakshi Garg, Rashmi Aggarwal, Sharique Hussain, Kirti Garg

Final Decision: Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed seeking directions to the respondent no. 1 to restore the electricity supply either through the old meter or install a new electricity meter at the premises, i.e., **GB-20, Third Floor, Shivaji Enclave, New Delhi-110027**, without insisting on the No Objection Certificate (NOC) from respondent nos. 2 and 3, being the landlords of the premises in question.

2. Learned counsel appearing for the petitioner submits that petitioner is tenant in possession of the third floor of the aforesaid premises since the year 2016, in pursuance of several registered lease deeds. However, respondent no. 2 has filed a civil suit against the petitioner being CS DJ No. 750/2025, titled as **Anil Kumar Kalra Versus Maiki Jain** which is pending before the District Judge, Central District, Tis Hazari Courts Delhi, seeking recovery of possession, arrears of rent, mesne profits, and permanent injunction against the petitioner herein.

3. Further, the petitioner has also filed a counter claim on 06th December 2025 against respondent no. 1, titled as **Maiki Jain Versus Anil Kumar Kalra**, seeking inter alia, decree of mandatory and permanent injunction against respondent no. 1, and thereby, directing the respondent no. 1 to restore the continuous water supply, which has deliberately been disconnected by the respondent nos. 1 and 2.

4. It is submitted that the electricity meter bearing C.A. No. 103765522, is installed and registered in the names of respondent nos. 2 and 3 and the petitioner has been receiving electricity in the tenanted premises through the said connection. Further, the petitioner had been paying the electricity charges to respondent no. 1, i.e., BSES Rajdhani Power Limited from time to time, and electricity was continuously being supplied to the petitioner.

5. It is submitted that due to temporary financial hardship, the petitioner was unable to clear the pending electricity charges for the months of September-October, 2025. Resultantly, the respondent no. 1 disconnected the supply and removed the electricity meter on 28th November, 2025.

6. It is further submitted that the petitioner has cleared the outstanding electricity dues on 28th November, 2025 itself and that no amount remains payable to the respondent no. 1. Subsequent to such payment, the petitioner requested the respondent no. 1 to restore the electricity and/or to install the electricity meter qua the said premises. However, the respondent no. 1 insisted upon an NOC from the respondent nos. 2 and 3, i.e., the landlords. Nonetheless, the respondent nos. 2 and 3, have refused to provide any NOC to the petitioner. Thus, the present writ petition has been filed.

7. Responding to the present writ petition, learned counsel appearing for respondent no. 1, i.e., BSES Rajdhani Power Limited, submits that respondent nos. 2 and 3 are the registered consumers of the electricity and that the electricity connection was disconnected on account of non-payment of electricity dues. Subsequently, they had received a communication from respondent nos. 2 and 3, not to re-connect the electricity connection on third floor of the property in question. He, thus, submits that the electricity connection has not been restored.

8. He further submits that the electricity connection is within lock and key of respondent nos. 2 and 3. Thus, in the absence of any cooperation from respondent nos. 2 and 3, it would not be possible for respondent no. 1 to restore the electricity connection to third floor of the premises in question.

9. Having heard learned counsels appearing for the parties, it is to be noted that a pending landlord and tenant dispute cannot be the basis for depriving electricity, which is a basic amenity. Admittedly, there are pending disputes between the petitioner and respondent nos. 2 and 3. However, the fact of the matter is that the petitioner is in possession of the property in question, lawfully, and till the time, there is any eviction order passed against the petitioner by a Court of law, the

possession of the petitioner cannot be said to be unlawful.

10. It is to be noted that electricity is a basic necessity and an integral part of right to life under Article 21 of the Constitution of India. Thus, as long as the petitioner is in possession of the property in question, he cannot be deprived of the same.

11. Needless to state that Courts in catena of judgments have categorically held that the electricity is one of the Fundamental Rights for existence and protected under Article 21 of the Constitution of India. Further, no citizen can be expected to live a life devoid of basic necessities such as the electricity.

12. Accordingly, it is directed as follows:

i. The respondent no. 1 shall restore the electricity connection to third floor of the property in question from the already existing meter, i.e., CA No. 103765522, which is installed and registered in the names of respondent nos. 2 and 3.

ii. The respondent no. 1 shall not insist on any NOC from respondent nos. 2 and 3, being the landlords and the registered consumers of the electricity connection in the premises in question.

iii. Respondent nos. 2 and 3 shall cooperate with respondent no. 1 and shall not disrupt the respondent no. 1 in restoring the electricity connection of the petitioner.

iv. In case of resistance from respondent nos. 2 and 3 in restoring electricity connection by the respondent no. 1, the respondent no. 1 is at liberty to seek police assistance.

v. Respondent no. 1 is directed to visit the premises in question on Friday, i.e., 19th December, 2025 at 11:00 AM. In case required, the official of respondent no. 1 shall be accompanied by the Local Police.

vi. The petitioner is directed to be present at the time of visit by the officials of respondent no. 1.

vii. The petitioner shall comply with all the codal and commercial requirements of respondent no. 1.

viii. The petitioner shall pay the consumption charges in accordance with the bills, raised by respondent no. 1 from time to time.

ix. Respondent no. 1 shall be entitled to disconnect the electricity supply in the property occupied by the petitioner, in case the petitioner fails to pay the electricity charges.

x. It is clarified that this order shall not be construed as recognizing any possessory rights of the petitioner with regard to the property in question. Further, the order passed today shall not be construed as conferring any special equity in favour of the petitioner and shall not prejudice the rights and contentions of the parties in their

pending disputes.

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