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

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Judgment delivered on: 06.05.2021

+ W.P.(C) 9101/2020 & CM APPL.15438-39/2021

RAHEES AHMED

..... Petitioner

versus

BSES YAMUNA POWER LTD. & ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ankit Mutreja and Mr. Aditya Aggarwal,
Advocates.

For the Respondent: Mr. Buddy Ranganadhan, Mr. Anupam Varma,
Mr. Nikhil Sharma and Mr. Aditya Gupta,
Advocates for R-1.

Mr. A.K.Sharma, Advocate for R-2.

Ms. Pratima Gupta, Standing Counsel, DERC/R-4.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. This petition has been listed in terms of order dated 28.04.2021.
In view of the listing of the petition, next date of 25.08.2021 is cancelled.
3. Petitioner seeks a direction to respondent No.1/BSES Yamuna Power Ltd to accept the form of the petitioner for installation of new electricity meter in his name at premises bearing No.B-40, 3rd Floor,

Gali No.2, Shastri Park, Ilaqa Shahdara, Delhi and to supply electricity to the petitioner and also seeks setting aside of order dated 21.07.2020.

4. It is pointed out by learned counsel appearing for respondent No.1 that the electricity connection was rejected in view of the fact that the building height was 18 meters 13 cms which was more than 17.5 meters and electricity connection could not be granted without a fire clearance certificate in terms of the directions of Delhi Electricity Regulatory Commission.

5. Learned counsel for the respondent submits out that after the filing of the petition, the DERC has amended the principal order i.e. the Schedule of charges and the Procedure (Sixth Amendment) Order, 2021 dated 15.04.2021, particularly Clause 2 of the same and inserted sub clause (3) and sub clause (4) which provides that in case the total height of the building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, electricity connection can be released in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking without insisting for fire clearance certificate.

6. Petitioner has filed a certificate of a MCD approved architect dated 03.05.2021 which certifies that the subject third floor of the property falls within the height of 15 meters. Said certificate has not been disputed.

7. Since, the subject floor for which an electricity connection has

been applied for by the petitioner falls within the height of 15 meters, the same is covered by the amended clause 2 of the Schedule of charges and the Procedure (Sixth Amendment) Order, 2021 dated 15.04.2021.

8. Accordingly, this writ petition is disposed of with a direction that on petitioner making an application in the form as prescribed by the amended order dated 15.04.2021 and complying with the other financial and codal formalities, respondent BSES Yamuna Power Ltd shall grant the electricity connection to the petitioner for the subject floor.

9. Learned counsel appearing for respondent No.2 submits that respondent No.2 has been incorrectly arrayed as a party in these proceedings as he has no concern with the subject floor and has no objection in case BSES Yamuna Power Ltd grants electricity connection to the petitioner. The statement is taken on record.

10. Petition is disposed of in the above terms.

11. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

MAY 06, 2021

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