

**IN THE COURT OF SH. AVIRAL SHUKLA, CIVIL JUDGE-01,
SOUTH EAST DISTRICT, SAKET COURTS, NEW DELHI**

CS SCJ 2017/19

SUBHASH CHAND Vs. BSES RAJDHANI POWER LIMITED
(BRPL)

06.10.2021

Present: Sh. Akshay Dhawan, Ld. Counsel for plaintiff through video
conferencing on 'Cisco Webex Meeting App'.

Sh. Mohd. Hussain, Ld proxy counsel for defendant.

Be awaited for main counsel for defendant.

(Aviral Shukla)

CJ-01/SE/Saket/06.10.2021

At 12:55 P.M

Present: Sh. Akshay Dhawan, Ld. Counsel for plaintiff through video
conferencing on 'Cisco Webex Meeting App'.

Sh. Virender Nagar, Ld counsel for defendant.

At this stage, Ld counsel for defendant has appeared before the Court. Upon enquiry, Ld counsel has submitted that inspection could not be conducted on 27.09.2021. Instead, inspection was conducted on 29.09.2021. Counsel for plaintiff has submitted that he is not aware of any inspection conducted on 29.09.2021. Upon further enquiry, counsel for defendant has submitted that report of inspection / certificate with respect to measurement of height of the building could not be filed by the defendant.

The plaintiff has filed an application under Section 151 CPC for grant of temporary electricity connection till disposal of the suit. It is

stated in the application that the plaintiff approached the defendant for sanctioning of an electricity connection but the same was arbitrarily refused. The plaintiff wishes to start a courier business at the suit premises for which electricity is the basic need and without the same it is impossible to carry on the business. It is averred that the plaintiff is the lawful owner of the suit property and he is ready and willing to pay all necessary charges and costs for the installation of the electricity connection. It is further stated that the plaintiff is the sole bread earner of the family and therefore it is prayed that the present application be allowed.

Ld counsel for defendant has opposed this application and sought further time for filing appropriate inspection report / certificate for measurement of height.

Heard. Record perused.

Upon perusal of the previous ordersheets, it is noted that substantial time period has been allowed to the defendant to conduct an inspection of the suit premises and for the purpose of filing an inspection report / certificate. In light of the fact that electricity is an essential commodity, especially in businesses like courier business of the plaintiff, and on account of the fact that despite of opportunities, BSES has not filed any inspection report / certificate, this court is inclined to rely upon the Height Certificate dated 12.07.2019 filed by the plaintiff in which the height of the suit premises has been found to be 14.5 meters. Accordingly, the plaintiff has been able to prove the prima facie case in his favour. In the event, the electricity connection is not provided, the plaintiff shall suffer irreparable loss being unable to operate his courier business. The balance of convenience also lies in favour of the plaintiff. The defendant no.1 i.e BSES is accordingly directed to provide

electricity connection to the plaintiff at the suit premises i.e. commercial space bearing no. 319, ad-measuring about 50 sq.ft, situated on 3rd Floor of the building 'Rakesh Deep' on constructed plot no. 11 in Yusuf Sarai, Commercial Complex, New Delhi till the final disposal of the suit. Requisite charges / costs of installation shall be borne by the plaintiff. The application is accordingly disposed of.

Put up for admission / denial of documents and settlement of issues on **07.12.2021**.

(Aviral Shukla)
CJ-01/SE/Saket/06.10.2021