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

+ W.P.(C) 10658/2021

HARIOM

..... Petitioner

Through: Mr. Sanjay Poddar, Senior Advocate  
with Ms. Samiksha, Mr. Ayush  
Saxena, Advocates

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Sameer Vashisht, ASC (Civil),  
GNCTD with Ms. Sanjana Nangia,  
Advocate for R-1 & R-2  
Mr. Chetan Sharma, ASG with  
Mr. Anurag Ahluwalia, CGSC along  
with Mr. Amit Gupta, Mr. Saurabh  
Tripathi, Mr. Rishav Dubey, Mr.  
Aakarsh Srivastava, Mr. Danish Faraz  
Khan, Advocate for Ministry of  
Defence  
Mr. Anand Prakash, Standing  
Counsel for MCD with Mr. Akhil Raj,  
Advocate  
Mr. Sudhir Nandrajog, Senior  
Advocate with Mr. Manish Kr.  
Srivastava, Mr. Sagar Arora,  
Advocates for R-3/TPDDL  
Mr. Sanjeev Mahajan, Advocate for  
R-4/DERC

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**10.11.2022**

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1. The present writ petition has been filed as a Public Interest Litigation (PIL) on behalf of Hindu migrants who have come from Pakistan to India and are staying near Delhi Jal Board Ground, Shah Alam Road, Adarsh Nagar, North Delhi behind Majlis Park Metro Station. It is stated that they are on long term visas and the Government of India has issued Aadhaar Cards to them. Unfortunately, the shelter houses where they have been housed do not have any electricity connection. The present PIL has, therefore, been filed praying for the following reliefs:-

*“(i) Issue an appropriate Writ or direction to Respondent No. 3 to provide immediately electricity connection to the Hindu Minority Migrants who are living on an open land in Adarsh Nagar, North Delhi on the basis of their Aadhar Card, Long Term Visa and Passport under the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017; or*

*(ii) Issue an appropriate Writ or direction to Respondent No. 4 to include Long Term Visa (LTV)/Passport as identity proof and Aadhar card as proof of occupancy under Rule 10 (2) and 10 (3) of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 and declare aforesaid documents of Hindu Minority Migrants can be accepted for giving electricity connection to them either through pre-paid or post-paid electricity meter;”*

2. The sole reason advanced by the Tata Power Delhi Distribution Limited for not providing any electricity connection is that valid ownership

proof of the address of the persons who have applied for the connection is required and that a No Objection Certificate (NOC) is required if ownership of the land is under any other person. It is stated that electricity connection has not been granted by Respondent No.4 due to want of NOC from the Defence Estates Office. A letter dated 05.08.2021 issued by Respondent No.4/Tata Power Delhi Distribution Limited has been filed which reads as under:

“ACKNOWLEDGMENT CUM NOTIFICATION  
SUSPENSION LETTER”

*Notification No.:2027175259*

*Date:05.08.2021*

*Connection Type:*

*Connection  
DOMESTIC*

*Category: E-*

*Dear Sir / Madam,*

*With reference to the above mentioned notification number, we would like to inform you that the below mentioned documents were shared/submitted by your goodself during your last visit to us:*

*However, as explained, following deficiencies need to be completed/removed to enable further processing of the case:*

***1 VALID OWNERSHIP PROOF OF APPLIED ADDRESS REQUIRED. NOC REQUIRED IF OWNER IS ANY OTHER PERSON.***

*Signature:\_\_\_\_\_*  
*Customer Service Group*

*Tata Power Delhi Distribution Ltd.”*

3. This Court on 06.09.2022 passed the following Order:-

*“1. The present Public Interest Litigation (PIL) has been filed on behalf of the Hindu Migrants who have come from Pakistan to India, and are staying in Adarsh Nagar near Majlis Park Metro Station. All of them have been issued Aadhar Cards and are on long term Visa issued by the Government of India. They are poor people who do not have a permanent place of shelter and they are living in a cluster of Jhuggis. The PIL states that the authorities are demanding proof of ownership of land.*

*2. Learned Senior Counsel appearing for the Petitioner has drawn the attention of this Court towards Rule 9(1) of the Electricity (Rights of Consumer) Rules, 2020, and his contention is that the proof of ownership is certainly not required under the Rules. He states that a person who is not the owner, and if he is an occupant, can also apply for electricity connection.*

*3. The migrants as they were in need of electricity connection, have approached the distribution company for supply of electricity. There is a letter on record which reflects that the only requirement that the migrants are not able to meet is NOC from the land owning agency.*

*4. At this juncture, Learned Counsel appearing for Tata Power Delhi Distribution Limited (TPDDL) has stated before this Court that NOC is certainly required as certain poles will have to be erected for providing proper electricity.*

*5. The land in question over which the Jhuggis have*

*been established belongs to Government of India/ Defence Department/ DMRC, and in absence of a NOC from the land owning agency, the distribution company is not in a position to provide Electricity Connection.*

*6. Learned Counsel appearing for Union of India is granted two weeks' time to file an affidavit as to why NOC has not been issued to the migrants from Pakistan who are residing without electricity for the last five to six years.*

*7. It has also been stated that there are small children, women in area, and in absence of electricity it has become very difficult for these families to survive, and they are living in extremely harsh conditions.*

*8. Resultantly, Union of India is directed to file a reply positively within two weeks in the matter.*

*9. Learned Senior Counsel appearing for the Petitioner was fair enough in making a submission before this Court that the Petitioners will not claim any right over the land in question on account of the fact that electricity has been provided to them. He has gone to the extent in informing this Court that they are also ready to pay for the electricity, and a prepaid meter can be installed in their premises. He has also brought to the notice of this Court that other Migrants from Pakistan who are placed similarly, are living in Majnu-Ka-Tila have been provided prepaid meter/ electricity connection.*

*10. This Court hopes and trusts that the Government of India will look into the plight of the migrants sympathetically, and shall file a proper affidavit positively within two weeks."*

4. On 06.09.2022, Mr. Anurag Ahluwalia, learned CGSC, had assured

this Court that he would be persuading the authorities for grant of NOC as the issue revolved around a human problem. Today, Mr. Ahluwalia has brought a letter dated 09.11.2022 along with Order dated 07.11.2022 issued by Defence Estates Office which has been reproduced as under:-

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*No.3/1531/W.P.(C)/H.C./ Dated 09 Nov, 2022.*

*To*

*Sh. Anurag Ahluwalia (Advocate)  
Central Government Standing Counsel  
A-46, LGF, Defence Colony, New Delhi-110024.*

*Subject: W.P. (C) No. 10658/2021. Hariom vs The State of (NCT of Delhi) & Ors.*

*Reference your email dated 09.11.2022*

*2. In this regard, it is stated that the matter was referred to Ministry of Defence for obtaining necessary decision. Considering the same, Govt. Of India Ministry of Defence vide ID No. 306/SO(I)/D(Lands/2017 dated 07.11.2022 (copy enclosed) has conveyed that "in pursuance of order dated 06.09.2022 passed by hon'ble High Court of Delhi in PIL/W.P(C) No. 10658/2021, it has been decided with the approval of the competent authority to allow electricity connection to the aforesaid occupants subject to process of removal of encroachment as per due process".*

*3. In view of the above, it is requested that the decision of the Ministry as conveyed vide above mentioned MoD ID dated 07.11.2022 may please be submitted/filed before the hon'ble High Court of Delhi on next date of hearing i.e. 10.11.2022 in the Govt. interest.*

*Please accord priority.*

*(Abhishek Rathour, I.D.E.S)  
Defence Estate Officer  
Delhi Circle, Delhi Cantt.”*

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*Ministry of Defence  
D (Lands)*

*Subject: WP. (C) No. 10658/2021. Hariom -vs- the  
State of (NCT of Delhi) & Ors-reg*

*Reference DGDE U.O. No. 732/475/L/DE/C/2022  
dated 30.09.2022 forwarding therewith a proposal to  
take a decision in the matter for grant of NOC for  
electricity connections to the migrants or otherwise  
who are occupying defence land situated at Burari /  
Adarsh Nagar and to file reply on behalf of Uol in the  
subject court case*

*2. The matter has been examined in the Ministry. It  
has been observed that the (defence land involved in  
the petition has been earmarked for a vital defence  
project and action is in hand by the DEO Delhi for  
eviction of unauthorised occupants form the said land.*

*3. However in pursuance of order dated 06.09.2022  
passed by Hon'ble High Court of Delhi in PIL / WP (C)  
No. 10658/2021, it has been decided with the approval  
of the competent authority to allow electricity  
connection to the aforesaid occupants subject to  
process of removal of encroachment as per due  
process.*

4. TPDDL may be informed suitably. An appropriate affidavit may also be filed before Hon'ble High Court.

(Shiv Santosh Kumar)  
Section Officer, D (Lands)  
Tele:- 23014410

Addl. DG (Lands), DGDE  
MoD ID No. 306/SO(II)/D(Lands)/2017

Dated 07.11.2022”

“

No.732/475/L/DE/WC/2022  
Dte. General Defence Estates  
Govt. of India, Ministry of Defence  
Raksha Sampada Bhawan  
Ulaanbaatar Marg, Delhi Cantt-10  
Dated 09<sup>th</sup> November, 2022

To  
The Principal Director, DE  
Ministry of Defence,  
Western Command,  
Chandigarh.

**Subject: WP(C) No. 10658/2021, Hariom Vs the State of (NCT of Delhi) & others.**

Reference Dtc. DE, WC letter  
No.21/5763/L/DE/WC/RMS-31634 dated 20.09.2022  
and DEO, Delhi letter No. 3/1531/WIC/H.C dated  
09.11.2022.

2. The matter was referred to MoD for taking decision



*in the matter. Now, in pursuance of order dated 06.09.2022 passed by Hon'ble High Court of Delhi, MoD vide ID No. 306/SO(I)/D(Lands)/2017 dated 07.11.2022 (copy enclosed) has decided with the approval of the competent authority to allow electricity connections to the aforesaid occupants subject to process of removal of encroachment as per due process.*

*3. In view of above, DEO, Delhi may be directed to file the reply in consultation with Govt. Counsel before the Hon 'ble High Court, Delhi on the next date of hearing i.e. 10.11.2022.*

**(Rajendra R. Pawar)**  
DDG (Lands-I)  
Defence Estates  
For DGDE”

5. The aforesaid letters demonstrates that after taking cognizance of the human problem as well as the fact that non-provision of electricity amounts to denial of a basic need, the Ministry of Defence has accorded its approval for grant of electricity connections to the migrants.

6. In the considered opinion of this Court once the competent authorities have expressed their approval for grant of electricity connection, then Respondent No.4/Tata Power Delhi Distribution Limited has no other choice except to provide electricity connection to all the houses situated at Delhi Jal Board Ground, Shah Alam Road, Adarsh Nagar, North Delhi behind Majlis Park Metro Station.

7. Learned Senior Counsel for the Petitioner very fairly informs this Court that all the beneficiaries of the present order are ready to install a pre-paid meter so as to ensure that the company does not suffer any monetary

loss by supplying electricity.

8. Keeping in view the aforesaid, the instant PIL stands disposed of with a direction to the Respondent No.4/Tata Power Delhi Distribution Limited to provide electricity connection to all those individuals who have applied for the same within 30 days from the date of this Order.

**SATISH CHANDRA SHARMA, CJ**

**SUBRAMONIUM PRASAD, J**

**NOVEMBER 10, 2022**

hsk/RR