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

+ W.P.(C) 10658/2021

HARIOM

..... Petitioner

Through: Mr. Sanjeev Poddar, Sr. Advocate
with Ms. Samiksha, Advocate.

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondent

Through: Mr. Sameer Vashisht, Additional
Standing Counsel with Ms. Sanjana
Nangia, Advocate for respondent
Nos. 1 & 2.

Mr. Manish Kr. Srivastava and Mr.
Akhil Hasija, Advocate for
respondent NO.3.

Mr. Anurag Ahluwalia and Mr.
Danish Faraz Khan, Advocates for
respondent/ UOI.

Mr. Anand Prakash, Standing
Counsel with Mr. Akhil Raj and Ms.
Varsha Arya, Advocates for
respondent/ NDMC.

Mr. Sarthak Chiller and Mr. Sanjeev
Mahajan, Advocates for respondent
No.4.

Mr. Anand Prakash, Standing
Counsel with Ms. Varsha Arya and
Mr. Akhil Raj, Advocates for
respondent No.5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

06.09.2022

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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.

11. List on 06.10.2022.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

SEPTEMBER 6, 2022

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