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

+ W.P.(C) 6211/2012, CM APPL. 16668/2012, CM APPL. 5537/2017,
CM APPL. 44479/2021, CM APPL. 41101/2025 & CM APPL.
59896/2025

HUMAN FUNDAMENTAL RIGHTS ASSOCIATION
(REGD.) & ORS.

.....Petitioners

Through: Mr. Jagjit Singh, Mr. Preet Singh and
Mr. Abhijeet Singh, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC
with Mr. Kushagra Kumar and Mr.
Amit Kumar Rana, Advocates for
UoI.

Mr. Manu Chaturvedi, standing
counsel for MCD with Mr. Kshitiz
Kishor Rai, Advocate.

Mr. Tushar Sannu and Mr. Parvin
Bansal, Advocates for GNCTD.

Mr. Anupam Varma, Mr. Nikhil
Sharma and Ms. Simran Kohli,
Advocates for BSES.

Mr. Daleep Dhyani, Advocate for
PVVNL.

Mr. C.K. Rai, Mr. Vinay Kumar
Gupta and Mr. Shiva Singh,
Advocates for UPERC.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
28.04.2026

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1. Attention of the Court has been drawn to the judgment passed by this Court on 17th September, 2015. Paragraph 10 of the said judgment is set out below:

10. Having heard learned counsel for parties this Court finds that there is no dispute between the States of Delhi and Uttar Pradesh as to which area falls in which State. The said demarcation report has neither been challenged nor can it be challenged in the present proceedings. Consequently, the plea that petitioners' area falls in Delhi is rejected.

2. The judgment was followed by this Court in its order dated 11th December, 2024. Paragraphs 10 to 14 of the said order are set out below:

10. The position which emerges from these orders is that the properties, which lie partly in the State of Uttar Pradesh and partly in the NCT of Delhi, are being supplied electricity by BSES. Learned counsel for BSES states that they will continue to be supplied electricity by BSES. However, by the order dated 17.09.2015, the petitioners' properties were held to be outside the NCT of Delhi. The aforesaid judgment has not been challenged by any party, and has attained finality. Nine years have now passed, but the parties have not implemented the orders contained in paragraph 12 thereof, with regard to supply of electricity to the said properties. These findings and directions are binding upon the petitioners and PVVNL also.

11. The petition has remained pending only to ensure that electricity continues to be supplied to the petitioners. It is for PVVNL to either set up the infrastructure in terms of paragraph 12 of the said judgment or to enter into a negotiated agreement with BSES, subject to regulatory approval. Learned counsel for PVVNL states that no one has approached PVVNL for a connection so as to move in that direction. This appears to be a consequence of the *status quo* order passed by this Court, and continued by the judgment dated 17.09.2015. As the petitioners continue to avail of electricity supplied by BSES, despite the finding that their properties are not within the NCT of Delhi, they have not approached PVVNL for supply. This position can, however, not continue indefinitely.



12. The petitioners are therefore permitted to approach PVVNL for supply of electricity to their properties within the next four weeks, and PVVNL may take steps in accordance with law in this regard.

13. The onus has to be upon PVVNL to make the necessary arrangements, whether by way of setting up of its own infrastructure or arriving at an agreement with BSES. It cannot be that, despite the judgment of this Court dated 17.09.2015, BSES will continue to supply electricity to the petitioners indefinitely, on the strength of an interim order, and PVVNL will be absolved of its statutory responsibilities to supply electricity in its area of supply.

14. The Managing Director of PVVNL is directed to file a personal affidavit before this Court within the next two weeks, delineating the steps taken pursuant to the order dated 17.09.2015 and the further steps which PVVNL will take to ensure that the directions contained in the said order are complied with, within a time frame of six months.

3. Apparently, the aforesaid order has not been complied with.

4. It was put to the counsel for the respondent no.9/PVVNL whether any steps have been taken for setting up infrastructure for supplying electricity in the subject area or whether an agreement has been made with the respondent no.5/BSES.

5. Counsel for the respondent no.9/PVVNL submits that none of the aforesaid steps have been taken. He submits that since there already exists infrastructure in place set up by the respondent no.5/BSES, a parallel infrastructure cannot be set up by the respondent no.9/PVVNL. He further submits that none of the petitioners have approached PVVNL for the supply of electricity in terms of directions contained in paragraph 12 of the said order.

6. Mr. Anupam Varma, counsel appearing on behalf of the respondent no.5/BSES, submits that the existing network set up by BSES can be



transferred to the respondent no.9/PVVNL, subject to PVVNL paying costs for the segregation of the network. A proposal in this regard was sent by the respondent no.5/BSES to DERC on 25th April, 2017 and the same has been placed on record. *(Additional documents filed by the respondent no.5/BSES at Pleadings Volume-IV)*

6.1. The respondent no.9/PVVNL shall file an affidavit responding to the said proposal within six (6) weeks from today.

7. Mr. Jagjit Singh, counsel appearing on behalf of the petitioner, submits that a writ petition has been filed before this Court, being W.P.(C) 3380/2026 titled ***“East Gokulpur Mohalla Sudhar Samiti and Ors. v. Municipal Corporation of Delhi and Ors.”*** wherein notice has been issued today. The said petition deals with the demarcation of the area in question.

7.1. Let a copy of the aforesaid writ petition be placed on record.

8. List on 30th September, 2026.

AMIT BANSAL, J

APRIL 28, 2026

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