

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 3207/2023

M/s Hind Agro Foods

....Petitioner(s)/Appellant(s)

Through :- Mr. Ayushman Kotwal, Advocate.

V/s

U.T. of J&K and Ors.

....Respondent(s)

Through :- Mr. Amit Gupta, AAG.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
26.12.2023

01. The petitioner through the medium of instant petition filed under Article 226 of the Constitution of India, seeks a direction to respondent no. 5, the Assistant Executive Engineer, Electric Sub-Division Canal, Jammu to process the case of the petitioner and issue the enhanced electric connection of 25 KW in his favour under rules.

02. Learned counsel for the petitioner submits that the petitioner is dealing with warehousing and cold storage of pulses, sugar and other allied materials and for the purpose of warehousing and cold storage, an Electric connection of 2 Kilo Watt (KW) was sanctioned in favour of the petitioner and with the passage of time the same has been increased to 6KW.

03. It is also stated that requirement for the purpose of effective running of the petitioner-concern is 25 KW and for this, the petitioner has been making repeated and effective requests with the respondent authority and in particular, the respondent no. 5, the Assistant Executive Engineer, Electric Sub Division Canal,

Jammu. He further submits that nothing has been done by the respondents till date, despite of receiving the formal request with respect to the same.

04. Learned counsel for the petitioner submits that respondent no. 5, however, has deliberately and arbitrarily chosen not to process the case of the petitioner and issue the enhanced electric connection in favour of the petitioner in sheer detriment to the interest of the petitioner. He further submits that the arbitrary and illegal action of not issuing the enhanced electric connection is causing great and irreparable loss to the petitioner in its effective working.

05. Learned counsel for the petitioner submits that the delay in issuing the enhanced electric connection is also illegal for the reason that the same has deprived the petitioner from conducting the lawful business for no lawful reason whatsoever.

06. Learned counsel for the petitioner submits that he would be satisfied that in case, the instant writ petition is disposed of, at this stage, by directing the respondents to treat the instant writ petition as representation and to accord consideration to the same within some timeframe. Learned counsel for the respondents is not averse to the said proposition in case, the same is directed to be decided strictly under rules and as per law.

07. Issue notice to the respondents, which is waived by Mr. Amit Gupta, AAG.

08. With the consent of learned counsel for the parties and also keeping in view the facts and circumstances of the case, the instant petition is disposed of at this stage with a direction to the respondents nos. 4 and 5 to treat the instant writ petition as representation and to accord consideration to the same strictly under

rules and as per law within a period of six weeks from the date copy of writ petition along with annexes are made available to the respondents.

09. The writ petition is *disposed of* in the manner indicated above along with all connected application(s).

(WASIM SADIQ NARGAL)
JUDGE

Jammu:
26.12.2023
Mihul

