

IN HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C)No. 1078/2025
CM No. /2821/2025

Mohammad Hashim Banday

...Petitioner(s)

Through: Mr. R.A.Bhat, Adv.

Vs.

UT of JK and Ors.

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA.

CORAM:

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

ORDER
13.05.2025

1. After arguing for a while, learned counsel for the petitioner, when confronted with the maintainability of the instant petition, has drawn the attention of this Court to para-8 of the order of consideration which has been called in question through the medium of the instant petition. A perusal whereof reveals that the electricity connection registered under CID No. 0204020007889 for the residential house has been cancelled by late Gh. Hassan Banday in his life time and it has been specifically mentioned in the aforesaid consideration order that if the petitioner intends to avail the fresh electricity connection

for his residential house, he has to submit the documents in line with JERC Supply Code Regularization Chapter 5 read with Clause 529 to 534.

2. Since the petitioner has not fulfilled the requisite formalities as envisaged under law, his case was rejected and the same was found to be bereft of any merit vide Order dated 8th August, 2023, which was gladly and voluntarily accepted by the petitioner for more than one and half years. After having accepted the aforesaid order for almost two years, the petitioner has preferred the instant petition calling in question the aforesaid order without availing the alternate and efficacious remedy provided under the statute. When confronted with the maintainability of the instant petition, the learned counsel for the petitioner submits that he has already fulfilled the requisite formalities as reflected in the order of rejection which is subject matter of the instant petition. However, the decision in this regard has not been taken by the respondents.
3. Learned counsel further submits that he has filed a suit for mandatory injunction for providing electricity connection, but he did not challenge the order of rejection and he withdrew the said suit with liberty to file a fresh petition. The petitioner has neither placed on

record a copy of the said suit nor a copy of order, by virtue of which, the said suit was alleged to have been withdrawn, with the said liberty as pleaded in the writ petition. Thus, in absence of the documentary proof in this regard, nothing can be said in the instant petition.

4. Accordingly, learned counsel for the petitioner submits that petitioner would feel satisfied if a direction is issued to the respondent no. 4 to accord consideration to the case of the petitioner with regard to electricity connection within some reasonable time, to which, learned counsel for the respondents, who appeared on the asking of the Court, has no objection provided the same is done strictly in accordance with rules and as per the law.
5. With the consent of learned counsel for the parties and having regard to the innocuous relief prayed by the petitioner, the instant petition is disposed of with a direction to the respondent no. 4 to accord consideration to the case of the petitioner with regard to the fresh electricity connection for his residential house strictly in terms of the Electricity Act and the rules framed thereunder and provided the petitioner has fulfilled all the requisite formalities in the light of the JERC Supply Code Regularization Chapter 5 read with Clause 529 to 534, which finds mention in the order of consideration within a period

of six weeks from the date a copy of this order along with copy of petition and annexures are made available to the respondent no. 4.

6. **Disposed of** in the manner indicated hereinabove along with connected CM(s).

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
13.05.2025
"Shamim Dar"