

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2014 of 2015 (O&M)
Date of decision: 24.4.2015

Mr. Ramesh Chand

.. Petitioner

v.

Janki Dass Kapoor Memorial Hospital and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Roopak Bansal, Advocate for the petitioner.
Mr. Rohit Kumar, Advocate for the respondents.

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Rajesh Bindal J.

Challenge in the present petition is to the order dated 21.2.2015, passed by the learned court below, whereby the prayer made by the petitioner for restoration of the electric supply, disconnected by the respondents-landlords, was dismissed.

Learned counsel for the petitioner submitted that the petitioner is in possession of a shop in the premises of respondent No.1 on rent of ₹ 21,000/- per month, which is being used as a medical store since July, 1996, on the agreed terms. The drug licence is valid upto 28.12.2016. On 20.7.2014, respondent No. 2 issued notice for cancellation of the lease, which was followed by another notice on 6.8.2014. Challenging the legality of the aforesaid notices, the petitioner filed suit on 7.8.2014. Written statement was filed by the respondents on 17.12.2014. While the suit was still pending, the respondents, trying to take recourse to unfair means and to put pressure on the petitioner to vacate the premises, disconnected the electric supply, which is the basic amenity, as a result of which it may not be possible for the petitioner to stock any drug or medicine, which are to be

stored at low temperature, hence, may be unable to supply essential medicines to the patients coming to the hospital. In case, the respondents have terminated the tenancy/lease, they need to file a suit for possession. The petitioner has already filed a suit for injunction claiming that termination of the lease/ tenancy is bad. In any case, they have no right to disconnect the electricity merely because the shop is situated in the complex of the hospital. It is not the case that the petitioner had defaulted either in payment of lease money or the charges for electricity consumption.

On the other hand, learned counsel for the respondents submitted that once in terms of the agreement signed between the parties on 1.5.2002, the respondents had the right to terminate the same and take possession of the property in dispute, the petitioner does not have any right whatsoever to challenge the action of the respondents in court. Notice was given by the respondents before cancelling the licence granted to the petitioner. However, he did not deny the fact that no suit till date has been filed by the respondents seeking possession of the property. As the petitioner does not have any right to retain possession of the property, there is nothing illegal to disconnect the power supply.

Heard learned counsel for the parties and perused the paper book.

As is claimed, the petitioner is in possession of the suit property from July, 1996. The capacity in which he is in possession and as to whether he has right to continue or not is the subject-matter of dispute pending before the trial court. The petitioner is running a medical store in the complex of the hospital. The present petition has been filed impugning the order passed by the court below, whereby the application filed by him for restoration of the power supply disconnected by the respondents was dismissed. It cannot be disputed that power supply is a basic amenity and especially in a medical store where many medicines are to be stored at very low temperature. It is not the case of the respondents that the petitioner has defaulted in payment of charges for lease or licence of the property. This court is not using any specific word as the same is subject-matter of dispute before the court below, namely, as to whether the petitioner is a tenant or

lessee or a licensee and consequently his rights. The proceedings have not been initiated by the respondents for seeking possession of the property in case, according to them, after termination of the agreement between the parties, the petitioner was liable to deliver the possession back. Once the petitioner is in possession of the property and running a medical store, in my opinion, disconnection of power supply by the respondents is totally unreasonable. They could do so only because the shop is situated in the hospital complex. If the petitioner had independent power connection from Power Supply Corporation, this problem would not have arisen.

For the reasons mentioned above, the impugned order passed by the court below is set aside. The respondents are directed to restore the power supply to the shop of the petitioner. The petition stands disposed of.

(Rajesh Bindal)
Judge

24.4.2015
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