

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 4529 of 2014

Date of Decision : 05.02.2015

Uttar Haryana Bijli Vitran Nigam Ltd. and othersPetitioners

Versus

Paramjeet KaurRespondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Aman Chaudhary, Advocate
for the petitioners.

Mr. Baldev Singh Dhillon, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

Petitioner-Nigam has invoked the jurisdiction of this Court under Article 227 of the Constitution of India seeking to set aside the order passed by the Appellate Court whereby appeal against the order of the trial Court, declining the relief of temporary injunction was allowed and petitioner-Nigam was directed to provisionally issue electricity connection.

I have heard learned counsel for the parties, perused the impugned order and the paper-book.

Learned counsel for the petitioners submits that with the grant of stay the Appellate Court virtually decreed the suit. It is further submitted that in terms of the directions of learned Appellate Court the connection was issued provisionally and the respondent is making payment of the bills regularly. Respondent is occupying the

premises as tenant.

Learned counsel for the petitioners further submits that the documents required under the rules/circulars of the Nigam in proof of the tenancy of the respondent have not been supplied. The other contention of learned petitioners' counsel is that there was already a connection installed in the building in the name of landlord and as per rules of the Nigam, second connection in the same premises cannot be granted unless the arrears of defaulting connection are deposited and the connection in favour of the landlord has still not been restored due to the default of outstanding arrears. That seems to be an *inter se* dispute between the landlord and the tenant.

In view of the facts of the case as the respondent is in occupation of the portion of same building as tenant, the grant of connection provisionally to the respondent-tenant during pendency of the suit cannot be an illegality committed by learned Appellate Court which can be interfered in the exercise of revisional jurisdiction. The eviction petition at the instance of landlord is also pending and to meet with the requirement of rules/circulars of the Nigam with regard to filing proof of tenancy, the respondent would file a copy of eviction petition in the office of petitioner-Nigam within a period of one month.

The instant petition is disposed of with the aforesaid observations and directions.

February 05, 2015
jk

(R.P. NAGRATH)
JUDGE