

**THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP No. 13936 of 1995 (O&M)  
Date of decision: January 12, 2015

M/s R.D. Extrusion

...Petitioner

Versus

Haryana State Electricity Board and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of 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. VB Aggarwal, Advocate,  
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate,  
for the respondents.

**K. KANNAN, J. (Oral)**

1. There is no appropriate assistance from the counsel appearing on behalf of the petitioner. There is nothing to be adjudicated in a situation where the petitioner has already sold the factory and he is not interested in obtaining electricity connection. The subsisting grievance for the petitioner, however, is that he has made some payments pursuant to the orders of this court and the respondents shall be directed to return the sum and penalty shall also be imposed. I find no scope for imposing any penalty, if the payments were made on orders of the court. All that the petitioner can obtain, if he is not interested in acquiring electricity connection, is the return of the amounts which he has made to the respondents. There has been a failure of the consideration in view of the fact that the petitioner does not

want electricity connection any longer. There shall be, therefore, only an order for return of the amounts paid on orders of the court with interest @ 9% from the respective dates of payments.

2. The petitioner shall make a demand for return of the amount deposited and if such a demand is made on the respondents, the amounts will be paid within four weeks from the date of receipt of such a demand through a notice.

3. The counsel for the petitioner also seeks for assessment of damages for loss incurred by him by his inability to run the factory after paying the amounts for availing of electricity connection. If the order passed by this court granting electricity connection was later withdrawn and the case was directed to be disposed of on merit, unless the counsel makes a point that the denial of electricity for non payment of additional charges was unjustified, there was no way that it is possible to assess the damages. Assessment of damage is a manner of reparation for a wrongful act done by a party. There is no attempt of the petitioner to show that there was a wrong committed by the respondents. The counsel is unwilling to address any issue on fact or merits of the case but would seek for some gratuitous direction which suits his convenience. It is not possible to grant the relief he is seeking. The petition is disposed of only to provide for relief of the amounts paid, as referred to above with interest.

**January 12, 2015**  
**prem**

**(K.KANNAN)**  
**JUDGE**