

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12938 of 2004(O&M)

Date of decision: 25.02.2015

Salwinder Singh

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Saurabh Singla, Advocate, for
Mr. Onkar Singh Batalvi, Advocate for the petitioner.

Ms. Vandana Malhotra, Addl. Advocate General, Punjab,
for the respondents.

K.Kannan, J.

The petitioner seeks for a direction that respondent Nos. 1 to 6 shall not interfere with the electric installations made by the petitioner for his factory established in the year 1995 for the urban feeder. The petitioner's contention is that the factory was not running and it was, therefore, not consuming electricity. His apprehension was that for non-payment of certain charges, the respondents would remove the electric installations. The petitioner, therefore, came with the interim prayer against the removal of any installations since they belonged to him. The petitioner also sought that the electricity supply should be released to him which was disconnected so that the theft of expensive wires could be avoided.

In the written statement filed by the respondents, it is stated that the petitioner as an industrial consumer had opted for an electric connection from industrial/urban feeder instead of nearest rural feeder and it was possible to allow for such exercise in terms of commercial

circular 11467/12229 CAC dated 07.06.1991. The circular also provided that such an industrial consumer would be liable for 16% establishment charges for the cost of services as per the schedule of service charges. The contention, therefore, was that the petitioner was not entitled to any rebate in electric charges, but, was liable for establishment charges in the manner the commercial circular provided and that further the electric installations were to be deemed to belong to the Corporation and the work of installation from the urban feeder instead of nearest rural feeder would be considered as “contributory works”. The respondent in its reply makes reference to the commercial circular 11467/12229 CAC dated 07.06.1991 and states that the respondents would be entitled to treat the installations as belonging to the Board and it would have right to dismantle the electricity lines since that had become the property of the Board.

In the light of the reference to the instructions, which themselves are not in challenge before the writ petition, the prayer that the petitioner will be allowed to claim ownership over the installations cannot be accepted. The question of grant of electricity only in order that the wires are not stolen also does not arise, since the petitioner cannot claim any such ownership over the wires. No relief is possible in the writ petition.

The writ petition is dismissed.

(K.KANNAN)
JUDGE

25.02.2015
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