

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

134

Civil Writ Petition No.13320 of 2015

Date of Decision: July 07, 2015

Dakshin Haryana Bijli Vitran Nigam Limited

...Petitioner

Versus

M/s Dutt Medi Products Pvt. Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pardeep Singh Poonia, Advocate
and Mr. Mohnish Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the order dated 09.09.2014 (Annexure P-4) passed by the Appellate Authority under the Indian Electricity Act, 2003.

It is the contention of the counsel for the petitioner that while applying for the electricity connection in the year 2010, respondent No.1 did not mention Plot No.52 in the A&A form. Even at the time of extension of load in the year 2012, Plot No.52 was not mentioned. However, at that time, in the test report, the officer, who had gone to inspect the site, did mention Plot No.52. He, however, contends that because of *mala fide* intention on the part of respondent No.1, the said Plot No.52 was not mentioned as there was an outstanding amount of ₹1,29,342/- when it was owned by M/s Uttam Fabrics from whom respondent No.1 had bought the plot in an open auction in the year 2007. Counsel contends that the use of electricity for the premises situated in Plot No.52 thus being violative of the provisions of the Indian Electricity Act, 2003, rendered him liable to be proceeded against,

for which notice under Section 126 of the Indian Electricity Act, 2003, was issued. Response was received and thereafter the final assessment order was passed, which was challenged by respondent No.1 before the Appellate Authority. Counsel contends that the order passed by Appellate Authority dated 09.09.2014 (Annexure P-4) is not thus sustainable.

This contention of the counsel for the petitioner cannot be accepted in the light of the fact that it is not disputed that Plot No.52 is not a separate premises, but it is a part of the factory and adjacent to the plots owned by respondent No.1. Rather the Appellate Authority has gone to the extent of returning a finding that it is within the same boundary wall as the other plots. It could not be disputed by the counsel for the petitioner that when the Plot No.52 is within the same premises and within the same boundary wall as the other plots owned by respondent No.2, separate connection on this Plot No.52 cannot be issued as per the Rules and Regulations. If that be so, it cannot be said that the order passed by the Appellate Authority-respondent No.2 dated 09.09.2014 (Annexure P-4) is not in accordance with law.

As regards the contention of the counsel for the petitioner with regard to the recovery of an amount of ₹1,29,342/-, which is a default at the hands of M/s Uttam Fabrics, which the petitioner has to recover, for that the petitioner can take appropriate steps in accordance with law, as there is nothing mentioned in the impugned order, which curtails the claims of the petitioner qua the said amount.

The writ petition, being without any merit, stands dismissed.

July 07, 2015

Puneet

PUNEET SACHDEVA
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I attest to the accuracy and
integrity of this document

**(AUGUSTINE GEORGE MASIH)
JUDGE**