

CWP No.19767 of 2014 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1)

CWP No.19767 of 2014 (O&M)
Date of Decision: May 05, 2015

Sunita Chauhan & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(2)

CWP No.24209 of 2014 (O&M)
Date of Decision: May 05, 2015

Seema Wig & others

...Petitioners

Versus

State of Punjab & others

...Respondents

(3)

CWP No.1674 of 2015 (O&M)
Date of Decision: May 05, 2015

Ram Sakhi Devi

...Petitioner

Versus

State of Punjab & others

...Respondents

(4)

CWP No.6644 of 2015 (O&M)
Date of Decision: May 05, 2015

Sneh Lata & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jaswinder Singh, Advocate
for the petitioners in CWP No.19767 of 2014 and
CWP No.6644 of 2015.

Mr. Sat Narain Yadav, Advocate
for the petitioners in CWP No.24209 of 2014.

Mr. Padamkant Dwivedi, Advocate
for the petitioners in CWP No.1674 of 2015.

Mr. Vikas Chatrath, Advocate
for the respondent-Punjab State Power Corporation Ltd.

Mr. Rajbir Wasu, Advocate
for respondent No.4 in CWP No.1674 of 2014.

Mr. Shakti Mehta, Advocate
for respondent-Nagar Panchayat, Naya Gaon.

AUGUSTINE GEORGE MASIH, J. (Oral):

By this order, I propose to dispose of CWP Nos.19767 and 24209 of 2014 and CWP Nos.1674 and 6644 of 2015 as the claim of the petitioners is the same so is the location of the place where they want temporary domestic electricity connections to be issued by the respondent-Punjab State Power Corporation Limited.

It is the contention of the counsel for the petitioners that the petitioners are entitled to the issuance of the temporary domestic electricity connections although as of now they are occupants of unauthorized colonies. Submission is that the claim of the petitioners at all fours covered in their favour by the judgment passed by this Court in CWP No.5176 of 2014, titled as 'Suto Devi & others Vs. State of Punjab & others', decided on 28.11.2014 (Annexure R-5/2).

He contends that as per the statement given by learned Senior Counsel who appeared for Greater Mohali Area Development Authority (GMADA), it was stated that the said authority was working with the Government for policy regularization and if any decision is given by this Court, they will abide by such statement and policy.

It has been observed in the said judgment that since, temporary connection has already been ordered to be issued only temporarily, it ought to, therefore, be amenable for any modification in accordance with law. Reserving to the official-respondents to formulate any such policy which is in interest of public, the petitioners will have the benefit of electricity connection subject to any modification that can come through the legally tenable policy issued by the Government. Learned Single Judge further proceeded to state that while issuing the electricity connection to the persons to whom such such connections are not already issued the Power Corporation shall secure such documents of identity as may be necessary. If any affidavits are necessary to satisfy themselves that building or superstructure are not within any prohibited area, such a declaration would also be obtained by the Power Corporation. The respondents were also given liberty to prepare performa for undertaking and have the details filled up at the time electricity connection is sought. Counsel contends that the present writ petitions, therefore, may be allowed as the petitioners are only seeking temporary connections unless a policy is formulated of regularization.

On the other hand, counsel for the respondent-Power

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Corporation submits that the temporary connections cannot be issued to the petitioners in the light of the fact that they have not submitted 'No Objection Certificate'. This, he contends, is required under regulation 6.4.3 of the PSERC (Electricity Supply Code & Related Matters) Regulations, 2007 which has come into effect from 01.01.2015.

Counsel for the petitioners submits that the Executive Officer of the Nagar Panchayat, Naya Gaon has written a letter dated 12.01.2015 (Annexure P-10) addressed to the Assistant Engineer (Operations), Punjab State Power Corporation Ltd., Mullanpur Garibdas, according to which, 'No Objection Certificate' issued from the Nagar Panchayat is not required.

This contention of the counsel for the petitioners appears to be correct in the light of the above referred communication, however, if there is no objection to the issuance of the temporary domestic electricity connection on the part of the Nagar Panchayat, Naya Gaon, the Executive Officer, Nagar Panchayat, Naya Gaon should issue 'No Objection Certificate' to the petitioners as well, so that they can submit it to the officials of the Punjab State Power Corporation Limited for release of their temporary domestic electricity connections.

Reply in CWP No.6644 of 2015 has been filed in Court today on behalf of the Executive Officer, Nagar Panchayat, Naya Gaon, Mohali, where he has again asserted that 'No Objection Certificate' is not required to be issued to the petitioners. This leaves

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no manner of doubt that the Nagar Panchayat has no objection to the issuance of the temporary domestic electricity connections to the petitioners.

In view of the above, these writ petitions are allowed in the same terms as in the judgment passed by this Court in CWP No.5176 of 2014, titled as 'Suto Devi & others Vs. State of Punjab & others', decided on 28.11.2014.

If the Power Corporation has no objection and the documents as submitted by the petitioners are in consonance with the orders passed by this Court in CWP No.5176 of 2014, titled as 'Suto Devi & others Vs. State of Punjab & others', decided on 28.11.2014, the temporary domestic electricity connections be released to the petitioners within a period of two weeks from today.

Copy of this order be given *dasti* to the counsel for the parties under the signatures of Special Secretary of this Court.

May 05, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE