

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

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CM No.5831 of 2015 and
Civil Writ Petition No.21695 of 2014

Date of Decision: May 25, 2015

Ranjit Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mukesh Rao, Advocate
for the applicant-petitioner.

Mr. Praveen Chander Goyal, Advocate
for respondents No.1 and 2.

Mr. Veneet Sharma, Advocate
for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.5831 of 2015

Prayer in this application is for issuance of a temporary electricity connection to the petitioner, who is tenant of respondent No.3. Notice of the application was issued to the counsel for the respondents, who have put in appearance and state that rather than deciding the application, the main writ petition itself can be disposed of and, therefore, the hearing of the main writ petition be preponed to today and decided.

In view of the joint request made by the counsel for the parties, the hearing of the writ petition is preponed and the same is taken on board for final disposal.

CWP No.21695 of 2014

It the contention of the counsel for the petitioner that as per the

provisions applicable for release of electricity connection the petitioner would be entitled to the release of electricity connection though he may be a tenant. He contends that initially the petitioner was getting electricity from the sub meter, which was installed in the premises by the owner and since there was a dispute between the parties, an eviction petition was filed by respondent No.3. After the filing of the eviction petition, the electricity, which was being supplied to the petitioner, was disconnected although the stand of respondent No.3 is that since he was not paying the electricity charges, the said respondent had no option but to discontinue the electricity being supplied to the petitioner, which fact is disputed by the counsel for the petitioner.

Be as it may, the fact remains that the petitioner now has applied for issuance an electricity connection for which he has also deposited the security amount, which has been accepted by respondents 1 and 2 but the connection was not being released to the petitioner. He, therefore, had approached this Court by filing a writ petition for the said purpose praying for the release of electricity connection. Reply has been filed by respondents. It is now the stand of counsel for respondents 1 and 2 that as per the Punjab State Power Corporation Limited Supply Code, 2014 effective from 01.01.2015, petitioner can be issued an electricity connection, provided he submits an indemnity bond to indemnify respondents 1 and 2 in case of any liability, which he does not discharge due to supply of electricity. Petitioner undertakes to submit such an indemnity bond within a period of two weeks.

In case the petitioner submits the indemnity bond within a period of two weeks from today, the electricity connection shall be released

to the petitioner within a period of one week from the date of submission of the indemnity bond. It may be highlighted here that the counsel for respondent No.3 has vehemently opposed the release of the electricity connection to the petitioner by asserting that the petitioner has earlier been defaulting the payment of electricity charges and by the release of electricity connection to the petitioner, the ultimate liability in case the petitioner does not discharge, would be of the owner of the property i.e. respondent No.3.

It is made clear that whatever liability due on account of release of the electricity connection to the petitioner, the same shall be borne exclusively by the petitioner and respondent No.3 shall not be liable for any of the conducts/misconducts of the petitioner.

Recovery/liability shall exclusively be of the petitioner and respondent No.3 shall have nothing to do with the present connection to be released to the petitioner.

In view of the above, the present writ petition is disposed of accordingly.

May 25, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE