

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

CWP No. 9083 of 2013 (O&M)
Date of decision: February 2, 2015

Punjab State Power Corporation Limited

...Petitioner

Versus

Amarjit Bajaj and another

...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. Vishal Chaudhri, Advocate,
for the petitioner.

Mr. Kuldip Sanwal, Advocate,
for respondent No.1.

K. KANNAN, J. (Oral)

1. The writ petition brings a challenge to the order passed by the Ombudsman setting aside the order passed by the Settlement Committee and holding that clubbing of connection ordered and raising of demand made, for additional tariff were not tenable. The Ombudsman held, while interpreting Regulation 167 of the Electricity Act, 2003, that the manner of reckoning separate connection is justified only if there is (a) a physical separation; and (b) where the premises in question are legally transferred, sold or leased to a new unit. The contention of the consumer at the premises which had two connections, namely JM-15/26 and JM-15/27, were that two brothers Amarjit Bajaj and Gulshan Bajaj were having two independent firms and carrying on their operations separately.

2. There had been a Clubbing Committee constituted on three occasions viz, the 1st inspection was said to have been made on 28.11.2000, the next checking was made on 20.6.2001, and yet another Committee was constituted on 22.8.2003. The learned counsel appearing on behalf of the petitioners would point out to me that the Clubbing Committee inspected the premises and found that the address of both the firms were same, namely, 6 Ranjit Nagar, Ludhiana and the office of both the firms was also the same, namely, at 1st Floor of the building that had supplies from A/c No. JM-15/26. It was also noticed that the invoices and letter pads for both the firms were the same and had common phone number. The Committee had observed that the opening of the back side of the building which had supplied from A/c No. JM-15/26 had been closed and an additional area had been annexed which was said to be added to a A/c No. 15/27. It was also observed that the manufactured items of both the firms were also same, namely, cycle paddle and BV cup and BV axle. The counsel would also refer me to an inspection done subsequently when the consumers were not satisfied that led to a second committee report which made reference to the fact that the brothers had made an improvement in the situation by raising brick walls where fresh cement could be seen. This had come about during the checking of the 2nd Committee. The status of the land holding was in the names of the three brothers and had been purchased and got registered on different dates from different persons and they must be treated as joint, although an adjoining plot had been separated by a brick wall. The Committee rejected an attempt made by the consumers that there was a brick wall of four layers which created the separation of both the premises but this was brought up only for the purpose of securing separate connection.

3. The learned counsel appearing on behalf of the respondents would states that a separate connection was sought for the same premises subsequently by Gulshan Bajaj for securing JM-15/27 only because he had purchased the property subsequently and his business was also being done by him separately. He would refer to the report of the Senior Xen. of the Corporation that had brought about a plan after inspection where he had observed “there is no commonness of power supply from inside and outside and on roof of both the connections and premises. Premises are separate.” According to him, their own report which is on record of the authorities as Annexure R/4 would vindicate the stand that the business operations are separate and the respective holdings are separate.

4. I had asked the counsel appearing on behalf of the respondents to bring documents to show that the two firms operated without any connection whatever and they were having different business operations and different assessment, in an attempt to gather adequate data that the firms were separate and they had separate operations, notwithstanding the fact that their telephone connection was the same and they were operating from the same postal address. Even when the counsel was prepared to accede to the direction, the counsel for the petitioners clarifies that the firms are indeed separate and the respondents will be able to prove that they are having separate firms and operation. I take this to conclude the issue what I was trying to elicit. There is no further need for an adjudication that the business operates separately and there was no justification for separate connection. The clubbing of connections was impermissible and the order passed by the Ombudsman would require to be supported. I will not find the existence of a new wall or an old wall to conclude on what is all admitted

fact now, that, the two firms are separate, having separate business and separate assessment. At the conclusion of the dictation, the counsel wants to retract from what he said in court and attempt to show that they could operate as separate firms but they are only for the purpose of enjoying separate connection. Separation of connection would follow the separation of the entity and if the separation of the entitle is admitted, then separation of the connection ought to follow.

5. The writ petition is dismissed.

February 2, 2015
prem

(K.KANNAN)
JUDGE