

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 973 of 2013 (O&M)
Date of decision:- 01.04.2015

Joginder

...Appellant

Versus

D.H.B.V.N.L and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the appellant.

Mr. P.S. Poonia, Advocate
for respondent Nos. 1 to 3.

RITU BAHRI J.

C.M. No. 2647-C of 2013

For the reasons mentioned in the application,
delay of 29 days in filing the present appeal is condoned.

The application stands disposed of accordingly.

R.S.A No. 973 of 2013

The present regular second appeal is directed against the concurrent finding of facts recorded by both the Courts below whereby the suit of the plaintiff-appellant (for short 'appellant') for permanent injunction restraining the defendants-respondents (for short 'respondents') from disconnecting the electricity connection of the tubewell, was dismissed.

The appellant had obtained the electricity connection from the respondents after depositing amount of

Rs.1,00,000/-. However, the appellant had relied upon one receipt Ex P7, which showed that the appellant had deposited only Rs.10,000/- and as per scheme, he had to further deposit Rs.10,000/- but he has not produced any document on record to prove the factum of depositing that amount. Further as per report of the Local Commissioner Pawan Kumar, Advocate, who was examined as C.W.1 and proved his report as Ex P3 and as per his report, he has given distance between tubewell and transformer about 1100-1200 feet and as per perusal of the site plan of LC Ex P4, he has given direct distance between the transformer and the tubewell but connection is to be given keeping in view the length of the pole and line which is more than 1200 feet. As per terms and conditions of releasing connection under Tatkal Scheme, 2001 (Ex D4) total length of LT line from the transformer shall not exceed 1200 feet and as per condition No. 3, the consumer has to deposit non-refundable amount of Rs.20,000/- and 50% will be deposited along with consent for out of turn connection under this category. Since the appellant has not fulfilled the condition No. 3 and 5, the connection was not released to him and his case was not found fit under Tatkal Scheme Ex D4 and his security amount worth Rs.10,000/- deposited vide receipt Ex P7 was ordered to be refunded as per letter Ex D10 dated 18.09.2002.

Further Balraj Singh, AFM made his report dated 28.05.2002 Ex D3 stating that he did not issue any meter and cable to the said consumer for releasing the tubewell connection as well as no official has been deputed to install the meter. Thus, it was found that the appellant had installed the meter and cable in an illegal manner.

After going through the entire evidence, the trial Court vide judgment and decree dated 30.04.2010 had dismissed the suit of the appellant and the lower Appellate Court vide judgment dated 14.08.2012 had affirmed the findings of the learned trial Court.

The judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed.

April 01, 2015
G Arora

(RITU BAHRI)
JUDGE