

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

123

Civil Revision No.7463 of 2016 (O&M)

Date of Decision: November 08, 2016

Shiv Shanker Bhalla School, Yamuna Nagar

...Petitioner

Versus

Kamal Taneja and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Namit Khurana, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.22660-CII of 2016

Prayer in this application is for exemption from filing certified copies of Annexures P-1 to P-4 -and true typed copy of Annexures P-2, P-3 and P-5.

Application is allowed.

Exemption from filing the aforesaid documents is granted subject to just exceptions.

CR No.7463 of 2016

Counsel for the petitioner asserts that the order dated 06.10.2016 passed by the Rent Controller, Yamuna Nagar at Jagadhri, whereby an interim application under Section 10 preferred by respondent No.1-tenant for restoration of the electricity supply, has been allowed subject to the condition that the respondent-tenant, who was an applicant, would deposit an amount of ₹29,617/- in the Court within a period of 15 days of pronouncement of the order and the applicant shall pay the electricity charges regularly after restoration of electricity supply at the shop in question. He contends that as the amount has been deposited by the

applicant including the arrears, the petitioner is entitled to the amount which has been ordered to be deposited in the Court. That apart, a direction has been issued to the petitioner to get electricity supply restored at the shop in question within seven days after deposit of the amount of ₹29,617/- in the Court by the respondent-tenant. He contends that the restoration has to be done by respondent No.2-Sub-Divisional Officer, UHBVNL, Industrial Area, Yamuna Nagar, in the application which has been preferred by the respondent-tenant. He, therefore, contends that it would not be possible for the petitioner to restore the electricity supply. Prayer has thus been made for setting aside the impugned order dated 06.10.2016.

2. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned order.

3. A perusal of the impugned order would show that the Court has not finally adjudicated with regard to the entitlement of the amount of ₹29,617/- and has left it open to be decided on the basis of the evidence to be led by the parties. The interim application has been allowed keeping in view the requirement of the respondent-tenant, who admittedly is running the shop in question, where electricity is a basic necessity for work of shuttering. The matter has been kept open to be decided and the interest of the petitioner has thus been taken care of with the conditions, as has been imposed in the order.

4. As regards the contention of the counsel for the petitioner that a direction has been issued to the petitioner, whereas the restoration of the electricity connection is to be done by the UHBVNL, suffice it to say that

the order passed by the Rent Controller requires the petitioner to get the electricity supply restored at the shop in question within seven days after the deposit of the amount by the respondent which obviously means that immediately on the deposit of the amount of ₹29,617/- by the respondent-tenant in Court, an application has to be moved by the petitioner to UHBVNL to restore the electricity connection to the meter in question. If that is done, UHBVNL shall thereafter proceed to restore electricity supply to the meter in question.

5. The revision petition stands disposed of with above observations.

November 08, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No