

CWP No.3717 of 2016

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

**CWP No.3717 of 2016  
Date of decision:14.12.2016**

Bar Association, Zira

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. K.R.Dhawan, Advocate,  
for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

Mr. Alok Mittal, Advocate,  
for respondents No.2 & 3.

None for respondent No.5.

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**Rakesh Kumar Jain, J.**

This petition is filed by the Bar Association, Zira, seeking a direction to the respondents to restore their electricity supply after paying the electricity charges consumed by the Bar Association in the bar room and library of the Judicial Court Complex, Zira, District Ferozepur.

In short, the Judicial Court Complex at Sub Division, Zira, District Ferozepur, was shifted to the New Court Complex on 19.06.2014. The expenses for the electricity supply to the bar room and library in the New Court Complex for the period from June, 2014 to March, 2015 were paid by the Court/State Government. The electricity bill for the months of April and May, 2015 was of ₹4 lacs. There is a single meter in the New

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Court Complex in the name of Additional Civil Judge, who had requested the petitioner-Bar Association to contribute 10% of the total amount of the bill of ₹4 lacs. The petitioner represented that they are not liable to pay anything as they have been using the electricity supply for the bulbs, fans, tubes and coolers etc. in the bar room and library which is provided by the State Government as a facility to the advocates and on their refusal, their electricity supply to the bar room and library was disconnected.

Before approaching this Court, the petitioner made a representation to respondents No.2 and 3 and since their grievance was not redressed, the present petition has been filed, in which the respondents have taken a stand that the electricity supply provided to the bar room and library was used by the advocates for the purpose of construction of their chambers, therefore, they have been asked to pay 10% of the total bill amount.

In the replication, the petitioner has submitted that the electricity for construction of chambers was procured by the petitioner through a temporary electricity connection which was installed on 18.06.2015 and removed on 15.09.2015 after construction of the chambers was over and the advocates had shifted to their chambers in the month of July, 2015 and got installed their own electricity meters in their respective chambers and, thus, at no point of time, the petitioner had used the electricity for their personal work by the advocates. The petitioner also attached a memo regarding payment of electricity charges of the temporary meter.

Counsel for the petitioner has submitted that the water and electricity expenses of the Bar Association much-less the bar room, bar

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library, office of the Bar Association and Bar Lounge have to be paid by the Court and has relied upon a Division Bench of this Court rendered in the case of **Punjab and Haryana High Court Bar Association and another vs. Union of India and others**, 2007(3) PLR 565, in which the following directions have been issued:-

- “(i) The Bar Rooms, Bar Library, office of the Bar Association and Bar Lounge are part and parcel of the High Court and, therefore, their water and electricity charges should be borne by the High Court as had been done in the past. Therefore, the electricity and water bills which are unpaid would also be paid by the High Court.
- (ii) The Bar Association shall forward its request for additional energy requirement to the Registrar General of the High Court within a period of 15 days and the same shall be considered by the High Court. Thereafter, it shall be forwarded to the U.T. Administration-respondent Nos.2 and 3 without any undue delay. The U.T. Administration-respondent Nos.2 and 3 shall sanction and release the additional electricity load as per the proposal forwarded by the Registrar General of the High Court; and
- (iii) The water and electricity charges of such premises which are leased out by the Bar Association for commercial purposes with the permission of Hon'ble the Chief Justice, have to be borne by the Bar Association. It is also made clear that the chambers constructed for the members of the Bar Association are not considered as part of the High Court building and, therefore, no benefit would ensue to the chambers being occupied by the members of the Bar Association or any other part of the building which has been leased on commercial purposes.”

On the other hand, counsel for the respondents have reiterated their stand taken in their pleadings for which they have no cogent evidence rather the petitioner has led evidence by way of Annexure P-3 to *prima*

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*facie* prove that the electricity used for construction of the chambers was separately procured by way of a temporary connection.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that this petition has merit as the evidence led by the petitioner is to the effect that they have not been using the electricity for construction of their chamber through bar room or library and are only praying that the electricity consumed by them for bar room and library may not be charged/levied on them. The decision in **Punjab and Haryana High Court Bar Association's case (supra)** is on all fours in favour of the petitioner in which it has been categorically held that the bar room, bar library, office of the Bar Association and Bar Lounge are the integral part of the Court and water and electricity expenses for electricity supply to this part of the Court shall not be charged from the Bar Association but has to be borne by the Court itself.

Consequently, the present writ petition is hereby allowed and direction is issued to the respondents to bear electricity charges themselves instead of asking the petitioner and get their electricity connection restored forthwith on presentation of a certified copy of this order by the Bar Association.

**December 14, 2016**  
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**(Rakesh Kumar Jain)**  
**Judge**

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No