

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

CWP No. 6973 of 2014 (O&M)

Date of decision : 6.1.2016

Jaswant Singh Jagdev and others

... Petitioners

vs

The Haryana Vidyut Prasaran Nigam Limited
and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. N. R. Dahia, Mr. Neeraj Gupta and
Ms. Loveleen Dhaliwal, Advocates, for the petitioners.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Mr. Varun Pathak and Mr. Raheel Kohli, Advocates,
for respondent-DHBVN in all cases.

Mr. Jainainder Saini, Advocate, for respondent no.4
in CWP No. 6973/2014.

Mr. Pardeep S. Poonia, Advocate, for the respondent- HVPNL.

Ms. Rupa Pathania, Advocate for
Mr. Aashish Chopra, Advocate, for the respondent-builder in
CWP Nos. 6973, 9796, 14905, 19566, 21780 of 2014 and
CWP Nos. 2075, 2080 and 15253 of 2015.

Rajesh Bindal, J.

This order will dispose of writ petitions bearing CWP Nos. 6973, 9796, 14905, 18957, 19566, 21780, 21821 of 2014, 2075, 2080 and 15253 of 2015, as common questions of law and facts are involved.

The petitioners in the aforesaid writ petitions are the residents of various houses/ flats in Mayfield Gardens, Sectors 50 and 51, Gurgaon, developed by Sheetal International Private Limited. The grievance is that despite the fact that occupation certificates were granted to the petitioners more than 2-3 years back, they have still not been granted electricity connections by the Dakshin Haryana Bijli Vitran Nigam Limited (for short, 'the Nigam'). In fact, their applications for release of electricity connection are not being entertained by the Nigam.

Learned counsel appearing for the Nigam submitted that all the residents in the area, who had submitted the applications upto June, 2013, were released the electricity connection as the existing infrastructure available in the area developed by the builders could take load to that extent. It is the responsibility of the builders to provide internal and external infrastructure for supply of electricity to the residents in the area. The existing system provided by the builders in the area cannot take further load. For the purpose of providing electricity connections to the petitioners and other residents in the area, additional infrastructure will have to be created internally and externally. It is the duty of the builder, who has not provided the same. In the absence thereof, the Nigam was unable to release the connections.

Learned counsel for the Nigam further submitted that with a view to solve the problem of the residents in the area with regard to power supply, the Nigam is ready and willing to create internal and external infrastructure at its own costs for the present, however, the same shall be subject to the final decision of this Court in the writ petitions filed by the builders disputing their liability for providing infrastructure. He further submitted that necessary arrangements for internal and external infrastructure will be made within a period of three months.

Ms. Rupa Pathania, Advocate, submitted that the builder is ready and willing to provide internal infrastructure in the colony developed by it at its own cost without prejudice to its rights in the pending writ petitions. In addition, the builder is ready to bear the cost for drawing power lines from Sub-stations in Sectors 57 and 72, Gurgaon and further bear the cost for erection of two sub stations of 33 KV capacity. For this, the cost shall come out to ₹ 8 crores. She further submitted that whatever expenses are incurred by the Nigam, the builder be given liberty to challenge the calculation.

In response, learned counsel for the Nigam submitted that he is not aware as to whether sub stations in Sectors 57 and 72, Gurgaon, are operational and further if yes, whether these can take additional load of the area concerned or not. He further submitted that the Nigam will provide electricity supply to the residents in the area taking into consideration the best possible economical measures considering the availability of

infrastructure in the area and wherever necessary additional infrastructure will be provided.

Learned counsel for the petitioners submitted that they are satisfied with the fair statement made by learned counsel for the Nigam as their concern is to get the electricity connection. The dispute between the builders and the Nigam can be settled in the pending writ petitions filed by the builders.

After hearing learned counsel for the parties and considering the fair stand taken by learned counsel for the Nigam, the writ petitions are disposed of in terms of the stand taken by learned counsel for the Nigam. The Nigam is directed to create necessary infrastructure for release of electric connections to the residents in the area within a period of three months and thereafter release the electric connections to them subject to fulfillment of other conditions required for the purpose.

The builder shall provide all necessary infrastructure within the colony developed by it which shall be completed within a period of 2½ months. Necessary drawings and the specific points where the Nigam has to connect the power supply shall be supplied to the Nigam within a period one month. It is made clear that rest of the infrastructure has to be provided by the Nigam at its own cost. The Nigam is permitted to incur the necessary expenditure. In case, finally the builders fail in writ petitions filed by them, they will not be permitted to raise any dispute regarding cost of the infrastructure provided by Nigam. It is a case where the plot holders/ flat owners had to approach the Court for release of power connections as the builder failed to sort out the issue with the Nigam despite the fact that the possession of plots/ flats was given long back.

The dispute regarding liability to bear the cost for providing infrastructure as has been raised by learned counsel for the Nigam, shall be considered separately in the writ petitions filed by the builders where the issue sought to be raised is as to who is responsible for providing internal and external infrastructure for supply of electricity.

The writ petitions are disposed of accordingly.

6.1.2016
vs

(Rajesh Bindal)
Judge