

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 5412 of 2016
Date of Decision: March 21, 2016**

Punjab State Power Corporation Ltd. and another

... Petitioners

Versus

Jaswant Singh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Ms. Meena Bansal, Advocate,
for the petitioners.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing award dated 15.12.2015 (Annexure P/10) passed by respondent no.2 – Permanent Lok Adalat (Public Utility Services), Ludhiana.

Brief facts of the case are that on 27.11.1991 Harchand Singh, father of respondent no.1 applied for tubewell connection in the joint land and deposited Rs.120/-. Said Harchand Singh was joint owner of land along with his brother Hari Singh and nephews Avtar Singh and Balwinder Singh. Said Harchand Singh had expired and no tubewell connection was issued by the petitioner – PSPCL during his life time. The land owned by Harchand Singh was inherited by his legal heirs. After the death of Harchand Singh, Jaswant Singh – respondent no.1 got transferred the application for tubewell connection in his name by depositing Rs.500/- vide receipt dated 14.11.2011. He also got extended the electric load from 3 BHP to 7.5 BHP

and deposited additional security amount of Rs.1380/- vide receipt dated 16.12.2011. Thereafter, petitioner – PSPCL issued a demand notice no. 243 dated 10.04.2013 to respondent no.1 for issuance of tubewell connection. After receiving the demand notice, respondent no.1 got dig a bore and constructed room for tubewell connection and spent about Rs.1,50,000/-. He also purchased one electric submersible motor. He also submitted test report for tubewell connection on 09.05.2013 and deposited Rs.100/- vide challan dated 14.05.2013. Respondent no.1 also deposited Rs.68,337/- as security vide receipt dated 06.06.2013 for tubewell connection. Thereafter, petitioner – PSPCL issued a demand notice to respondent no.1 on the application of one Sandeep Singh, resident of Village Ramgarh Sardaran. After receipt of demand notice, respondent no.1 completed all the formalities which were required by the petitioner-PSPCL. He also cleared all the objections raised by the petitioner-PSPCL, but petitioner – corporation failed to issue tubewell connection to respondent no.1. Thereafter, respondent no.1 preferred an application before respondent no.2 – Permanent Lok Adalat under Section 22(C) of Sub Section 1 of the Legal Services Authorities Act, 1987 for directing the petitioners herein to release the tubewell connection. The Permanent Lok Adalat vide award dated 15.12.2015 has directed the petitioners to release the tubewell connection to respondent no.1. Hence, the present writ petition.

I have heard learned counsel for the petitioners and perused the record.

After considering the evidence on record, the Permanent Lok Adalat has recorded the following findings:-

“13. It is in evidence that Jaswant Singh had deposited

Rs.68,337/- as security on 6.6.2013, constructed room and also purchased submersible motor etc. and spent about Rs.1,50,000/-. Thereafter he submitted 'test report' but inspite of completion of these formalities, the respondent-PSPCL failed to issue tubewell connection to him for the reason best known to them. When they have issued the demand notice and received the security amount Rs.68, 337/- and got completed the other formalities then they have no right to deny the tubewell connection to him. The respondent-PSPCL has failed to prove any fault or non compliance on the part of the applicant to disentitle him for the grant of the tubewell connection.

14. In view of the aforesaid circumstances, we, therefore, hold that the respondent-PSPCL has wrongly and illegally did not release the tubewell connection to the applicant. They are, therefore, directed to issue the tubewell connection to the applicant in the aforesaid land within two months failing which they shall also pay interest @ 9% per annum on the amount of Rs.68,337/- w.e.f. 6.6.2013 when they got deposited security amount from him. Hence, the award is passed accordingly in favour of the applicant against the respondent-PSPCL..."

In view of the findings recorded by the Permanent Lok Adalat,

I do not find any illegality or perversity in the impugned award.

Dismissed.

March 21, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge