

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

RSA No.4704 of 2011 (O&M)

Date of decision : 25.01.2016

Rajbir Singh

...Appellant

Versus

Punjab State Electricity Board and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Santosh Sharma, Advocate for the appellant.

Mr. M.L. Saini, Advocate for respondent Nos.1 and 2.

Mr. Piyush Bansal, DAG, Punjab.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved of the concurrent findings of fact, whereby suit for appropriate direction by way of mandatory injunction against Punjab Electricity Board for transferring of electric connection in the name of the appellant, has been dismissed.

Mr. Akshay Bhan, learned Sr. Advocate assisted by Mr. Santosh Sharma, appearing on behalf of appellant/plaintiff submits that since land on which electric connection had been installed was in joint khata

and by consolidation fell to the share of plaintiff and in this regard, the aforementioned suit was filed. Even the regulation also permits the transfer of the electric connection. Both the Courts below thus have committed illegality and perversity in not granting such relief.

Mr. Piyush Bansal, DAG, Punjab and Mr. M.L. Saini, learned counsel appearing on behalf of respondent Nos.1 and 2 submits that though regulation no doubt permits the transfer of electricity connection but it has to be preceded by the consent of the co-owner in whose name electricity connection already stood but did not give any consent, the Electricity Board is forbidden to transfer the electric connection, remedy if any was for the appellant to apply for fresh connection.

I have heard learned counsel for the parties and appraised the paper book.

On perusal of the regulation, there is provision of the transfer of electric connection provided it is accompanied with no objection from other co-owner. In the absence of consent, in my view the Electricity Board is forbidden in law to transfer electric connection as has been sought in the suit and remedy if any is to apply for new connection. I am in agreement with the findings of the fact, whereby aforementioned suit has been dismissed on such grounds.

I do not intend to differ with the findings rendered by the Courts below, much less, no substantial question of law is involved.

Appeal stands dismissed.

25.01.2016

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(AMIT RAWAL)
JUDGE