

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

**RSA No.991 of 2016 (O&M)
Decided on: 29.04.2016**

Karnail Singh

....Appellant

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. G.C. Shahpuri, Advocate
for Mr. Pankaj Bali, Advocate
for the appellant.

REKHA MITTAL, J.

The unsuccessful plaintiff is in appeal to express his grievance against the judgment and decree dated 14.10.2015 passed by the Additional District Judge, Ludhiana, reversing the judgment and decree passed by the trial Court in favour of the plaintiff/appellant and as a consequence, suit filed by the appellant/plaintiff for mandatory injunction has been dismissed.

Karnail Singh filed a suit for mandatory injunction directing the Punjab State Power Corporation Limited (in short 'PSPCL') and others to release electric connection in his name in the land situated at village Sultanpur, Tehsil Samrala, District Ludhiana, detailed in Para 1 of the judgment passed by the learned trial Court. As per the allegations, one Patwant Singh applied for AP connection vide application and agreement No.97B dated 19.11.1990. The office of Sub-Divisional Officer, PSPCL, issued the demand notice vide No.294-CC dated 02.05.2013 to deposit an amount of Rs.22,500/-. Patwant

Singh gave a duly attested affidavit raising no objection if the electric connection applied by him is transferred in the name of the appellant/plaintiff. It is further averred that the appellant is ready to deposit the amount of Rs.22,500/-. He deposited an amount of Rs.500/- as minimum charges on 27.05.2013 through challan in the name of Patwant Singh. The plaintiff is ready to execute and complete the formalities required by the respondents for obtaining the electric connection.

Counsel for the appellant would contend that as Sh. Patwant Singh executed an affidavit raising no objection if the connection applied by him is transferred in the name of the appellant/plaintiff, action of the respondents in refusing to release the electric connection in favour of the appellant is illegal, arbitrary and with an intent to cause harassment to the appellant. It is further argued that the learned trial Court rightly allowed the claim of the appellant but the Court in appeal committed a gross error rather perversity by placing reliance upon Instruction No.30.12 of Electricity Supply Instructions Manual (for brevity 'the Manual') to deny the said claim. It is further argued that the said Rule was duly considered by the learned trial Court and thereafter, accepted plea of the plaintiff for issuance of mandatory injunction and accordingly, respondents were directed to release the electric connection in favour of the appellant subject to payment of remaining amount and completion of formalities in accordance with the provisions of Electricity Supply Instructions.

I have heard counsel for the appellant, perused the

judgments passed by the Courts below and find that the appeal is devoid of merit and deserves outright rejection.

The learned Court in appeal, in Para 11 of the judgment has reproduced Instruction 30.12 of the Manual. A relevant extract from the said Instruction reads as follows:-

“30.12. Change of name before actual release of connection:-

(i) Whenever an applicant dies before the release of connection to him, the connection may be released to his/her legal heir/heirs as per succession certificate. In case of genuine difficulty of the prospective consumer, the connection may be released as per 'WILL' of the deceased provided the PSPCL is fully indemnified against all subsequent litigation.

(ii) For Tube-well connections:-

In the event of sale of land to a new person, the tube-well connection can be released to him against the original application of the original owner subject to fulfillment of the following conditions:-

a) *Submission of no objection certificate on non-judicial stamp paper of Rs.15/- by original applicant to the effect that he has no objection if the tube-well connection is released to the new owner of the land to whom the land has been sold by him and initially security or any other deposit made by him in his name is transferred in the name of the new owner of the land.*

b) *Submission of documentary proof from the revenue authorities (Tehsildar/Patwari) for sale of land by the original applicant to the new owner of*

the land to whom the land has been sold.

c) Submission of new A&A form duly signed by the new owner of the land and witnessed by the original applicant.

d) The seniority in case of new applicant shall be reckoned from the date of original application.”

A plain reading of the aforesaid extract when examined in the light of facts pleaded by the appellant/plaintiff, it is difficult to accept contentions of the appellant that his case for release of connection applied by Sh. Patwant Singh falls within the purview and ambit of either Clause (i) or Clause (ii) much less both of Instruction No.30.12 in order to find fault with the observations made by the First Appellate Court. Counsel for the appellant has miserably failed to satisfy much less convince the Court that case of the appellant falls within the scope of change of name before actual release of connection provided for in Instruction No.30.12, therefore, the First Appellate Court has not committed any error much less illegality when otherwise, no question of law much less a substantial one arises for adjudication.

For the foregoing reasons, the appeal is dismissed *in limine*. No order as to costs.

29.04.2016
yakub

(REKHA MITTAL)
JUDGE