

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 54 of 2017

1. Rashuda Begum Aged About 39 Years Resident At House No. 22/415 (Present No. 41/340) Bejnath Para, Raipur, Chhattisgarh.
2. Zuyena Khan, Aged About 37 Years Resident At House No. 22/415 (Present No. 41/340) Bejnath Para, Raipur, Chhattisgarh.
3. Jameela Khan, W/o Late Shamsheer Khan, Aged About 35 Years Resident At House No. 22/415 (Present No. 41/340) Bejnath Para, Raipur, Chhattisgarh.....(Age Wrongly Mentioned In Annexure A/1)

---- Petitioner

Versus

1. Shabbir Khan S/o Late Shamsheer Khan, Aged About 60 Years R/o House No. 41/341, Bejnath Para, Dhobi Line, Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through : Secretary, Electricity Department, Raipur, Chhattisgarh.
3. Assistant Engineer, Zone In- Charge, Bhudapara, Zone Chhattisgarh Electricity Distribution Colony, Raipur, Chhattisgarh.

---- Respondents

For Appellant	: Smt. Renu Kochar, Advocate
For State / Respondents No. 2 & 3	: Shri Rahul Tamaskar, Panel Lawyer

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Pritinker Diwaker

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

22.03.2017

1. We have heard learned counsel for the Appellants, who are Respondents No. 3 to 5 in the writ petition from which this appeal arises. We have also heard learned counsel for the State.
2. The 1st Respondent filed the writ petition seeking direction to provide supply of electrical energy to the premises in question. The learned Single Judge noticed that as between the writ petitioner and the

appellants there was a civil suit filed as Civil Suit No.5-A/2009 before the Court of 7th Additional District Judge, Raipur and the said suit was dismissed. Consequently, First Appeal No. 161 of 2010 is pending before this Court with an interim order dated 18.02.2011. The learned Single Judge noted the eligibility of a person to obtain supply of electrical energy notwithstanding the civil disputes between the parties. We do not find that the said judgment in any manner illegal or contrary to the settled norms regulating supply of electrical energy.

3. All that we have to clarify is that the judgment of learned Single Judge shall not have any effect on the adjudication of the issues arising for decision in the civil case between the parties including First Appeal No. 161 of 2010 pending before this Court. For the aforesaid reasons, while we affirm the impugned judgment it is clarified that the said judgment will be treated as not binding on the parties in the civil proceedings and all such proceedings will be decided untrammelled by anything stated in the impugned judgment.
4. The writ appeal is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Pritinker Diwaker)
Judge