

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.13671 of 2014

Date of Decision: April 06, 2017

Avtar Singh Bhatoa

...Petitioner

Versus

Union Territory of Chandigarh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Ravi Kamal Gupta, Advocate,
for the petitioner.

Mr.B.S.Mittal, Advocate for
Mr.Vishal Sodhi, Advocate,
for respondent Nos.1 & 2.

Mr.Pankaj Kundra, Advocate for
Mr.R.K.Dhiman, Advocate,
for respondent Nos.3, 4 & 6.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the impugned orders, Annexures P-6 to P-9 dated 26.5.2014 rendered by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh in the proceedings initiated at the instance of respondent No.3-Satya Narain Chaudhary, who on his own volition, was impleaded as party.

Mr.Ravi Kamal Gupta, learned counsel representing the petitioner submits that the petitioner had constructed 23 rooms upon the plot and rented out the same to different tenants. Respondent Nos.3 to 6 were also inducted as tenants in the said property, who had paid rent for some time, but stopped paying the same since 1999. To look after the property, the petitioner had initially appointed her sister Aminder Bains as his attorney and electricity meter was also installed in her name, who never

resided or used the electricity connection. On account of non-payment of the pending electricity bills, the officials of the Electricity Wing, Chandigarh snapped the electricity connection and the total amount of Rs.1,55,736/- remained unpaid. Instead of making good the outstanding amount, respondent Nos.3 to 6 invoked the provisions of 22-C of the Legal Services Authorities Act, 1987 (for short "1987 Act"). In all the matters, several orders have been passed, in essence there is no compliance of the provisions of sub-section (8) of Section 22 of the 1987 Act, thus, the orders under challenge are not in consonance with the judgment rendered by this Court in **Civil Writ Petition No.11542 of 2015 (Vijay Pal Verma Versus Permanent Lok Adalat and others)**, decided on 5.8.2016. In the absence of any consent from the landowner, electricity connection cannot be given. The consumer, as per the provisions of the Electricity Act, 2003, means a consumer, who is supplied with energy by a licenses or the Government or by any other person engaged in the business of supplying energy to the public. Reference has also been made to the judgment rendered in **M/s Isha Marbles Versus Bihar State Electricity Board, 1995 (2) SCC 648**. He further submits that the orders are not in consonance with the regulations of the Regulatory Commission, much less the provisions of the Electricity Act.

Per contra, Mr.B.S.Mittal, Advocate for Mr.Vishal Sodhi, Advocate, for respondent Nos.1 and 2 and Mr.Pankaj Kundra, Advocate for Mr.R.K.Dhiman, Advocate, for respondent Nos.3, 4 and 6 submit that the petitioner has no locus standi to assail the orders as no relief has been sought against him. He, on his own volition, was impleaded. In fact, it has been proved on record that the connection has been issued in the name of Aminder Bains and they had not paid any rent at any point of time to said

Aminder Bains. In this regard, rent petitions filed by the tenants have been dismissed on the ground that there is no relationship of landlord and tenants and, therefore, the applicants before the Permanent Lok Adalat were tenants of Aminder Bains. Any tenant cannot remain without electricity and outstanding dues can always be paid by the erstwhile owner as **M/s Isha Marbles (supra)** is no longer a good law. Para 4 of the order also reflects the attempt of reconciliation.

Since the status of the tenant has been admitted, therefore, the rent receipts, rent agreement and other documents for the purpose of obtaining the electricity connection were not required. In this backdrop of the matter, the authority had allowed the application directing the Electricity Board to issue the electricity connection.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and substance in the submissions of Mr.Ravi Kamal Gupta.

Concededly, the electricity connection was in the name of Aminder Bains. It has not been transferred, much less the petitioner has not been able to prove ownership by way of sale deed and the factum of relationship of landlord and tenant has also not been proved in view of the judgment rendered in the review application of 2013 titled as “Avtar Singh Bhatoa Versus Rahimoodin”, decided on 29.2.2016. Once the possession of the private respondents had been admitted as tenants, there was no requirement of proving the rent receipt and agreement and such findings, in my view, are legal and justified. No person can be deprived of availing services.

As regards the recovery of the outstanding dues, the Electricity

Board is at liberty to recover the same from the erstwhile owner, in whose name the meter connection has been installed.

There is another aspect of the matter. The aforementioned order has been challenged by the Electricity Board. No ground for interference is made out.

Writ petition stands dismissed.

April 06, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No