

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

CWP-19694-2017 (O&M)

Date of decision:- 31.08.2017

Shop Owners Welfare Association (SOWA), Chandigarh

...Petitioner(s)

Versus

Punjab State Power Corporation Limited, Patiala and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Rajesh Garg, Senior Advocate,
with Ms. Nimrata Shergill, Advocate,
for the petitioner(s).

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S.J. VAZIFDAR, C.J. (ORAL)

The main relief sought by the petitioners is a mandamus directing respondents No. 4 and 5 - Paras Buildtech India P. Ltd. and Paras R.E. Facilities Management P. Ltd. respectively to hand over the management of the building to the petitioners-association and to prohibit these respondents from raising any demands. Respondent No. 4 is the developer and respondent No. 5 is an agency engaged by respondent No. 4 to manage the common areas of the building in which the petitioners' units are located. The petitioners have also sought an order directing respondent No. 1 - Punjab State Power Corporation Limited, Patiala to supply individual electric meters to the members of the petitioner-association.

2. These issues are admittedly pending before respondent No. 2 - Additional Chief Administrator, GMADA in proceedings under the Punjab Apartment Ownership Act, 1995. The

matter we are informed has been heard and orders are awaited.

It is not necessary to consider the above reliefs at this stage. The petitioners are always at liberty to challenge the orders, if adverse to them.

3. The petitioners' immediate concern is that respondent No. 5 has issued a notice demanding the payment of maintenance charges threatening to disconnect the electricity and water connections in the event of the petitioners failing to pay the same. Respondent No. 2 is seized of the facts and circumstances of the case. An application for interim reliefs should, therefore, be entertained by respondent No. 2 himself. The petitioners are at liberty to make such an application before respondent No. 2 in view of the urgency of the matter.

4. In the event of respondent No. 2 for any reason holding that the interim application cannot be entertained by him, this petition would stand revived without further orders of the Court. We would request respondent No. 2 to pass the final orders as expeditiously as possible. It is also clarified that the petitioners' members would be at liberty to pay the amounts demanded entirely without prejudice to their rights and contentions in the proceedings before respondent No. 2 as well as in this writ petition.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

31.08.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No