

CWP-6799-2014 (O&M)
Date of Decision : 09.03.2017Madan Lal Saini and othersPetitioners
versus

DHBVNL and othersRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Anurag Jain, Advocate
for the petitioner.Mr. Pardeep S. Poonia, Advocate
for the respondents.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioners have been asked to install own transformer at their cost for release of another connection as an affidavit had been given by petitioner No. 2 that electricity beyond 6 KWs will not be consumed and in case, the requirement exists, they would be required to install their own transformer.

After going through the facts and circumstances of the present case, it appears that the petitioners have been required to install the self transformer on the grounds that the site had been inspected by AGM Operation Sub Division 2 and it was found that about 36 number of shops have been constructed at the site in the name of Ashish Shopping Centre and all these shops are surrounded by boundary wall, as such HERC Notification dated 09.01.2013 Annexure P-11, would be applicable to the case of the petitioners. In the light of said notification, the petitioners are required to install self transformer as per Nigam's instructions. Since no transformer has been installed by the lessee i.e.

M/s Sarumadan Builders Pvt. Ltd., further loads cannot be enhanced and new connections cannot be released.

Without expression of any opinion regarding the impact of notification dated 09.01.2013, it is sufficient to observe here that order Annexure P-8 dated 10.02.2014 has not been passed by giving an opportunity of hearing to the petitioners. The order Annexure P-8 dated 10.02.2014 is hereby set aside. It is ordered that the respondents would be entitled to require the petitioners for compliance of the statutory obligations under notification dated 09.01.2013 by explaining, as to how, the petitioners can seek exemption from the said notification. The petitioners may show the circumstances which would exempt the petitioners from notification dated 09.01.2013. A speaking order will be passed by the authority concerned before requiring the petitioners to install transformer at their own cost.

Disposed of with liberty to the respondents to follow the rules of natural justice and pass any appropriate order. Till the final decision is taken, the supply of electricity will not be disconnected subject to payment of the dues.

(M.M.S. BEDI)
JUDGE

09.03.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No