

CWP No.13785 of 2014

[1]

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

**CWP No.13785 of 2014
Date of decision:09.03.2018**

Sahibzada Ajit Singh Educational Trust (Regd.) ...Petitioner
Versus
State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Mandeep S. Sachdev, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

Ms. Jarnail Kaur Gurna, Advocate,
for respondents no.2, 4 and 5.

Rakesh Kumar Jain, J.

The petitioner-trust is aggrieved against the order dated 07.12.2012 passed under Section 126 of the Electricity Act, 2003 (hereinafter referred to as the "Act"), by which the petitioner has been asked to pay ₹10,49,859/- and the order dated 19.05.2014 by which appeal filed by the petitioner under Section 127 of the Act has been dismissed.

According to the petitioner, there were two electricity connections of the trust, one bearing no.JA 38/0289 in the name of Sahibzada Ajit Singh Educational Academy and another bearing no.JA 38/0371 in the name of Ramneek Residential Accommodation, MT Section and G.B. Public School. It is alleged that the extension of connection load for Ramneek Residential Accommodation and G.B. Public School (A/c No.JA 38/3071) was applied with the respondents on 22.03.2005, which was approved by the

Superintending Engineer, OP Circle vide Memo No.6812 dated 24.03.2005, under the Voluntary Disclosure Scheme (VDS). The petitioner had accordingly deposited the requisite charges. It is further alleged that the XEN (Enforcement), Kapurthala, visited both the above institutions, i.e. Sahibzada Ajit Singh Educational Academy and Ramneek Residential Accommodation and advised for clubbing of both the connections and on his advice, it is alleged that an application was made to the Deputy Chief Engineer, Kapurthala for clubbing both the electricity connections, i.e. JA 38/0289 and JA 38/0371. The necessary orders were passed and both the connections were clubbed and a new connection bearing No.GC 22/11 was allotted. It is alleged that on 30.10.2012, the premises of the petitioner was checked by the Enforcement Team of the respondents in the presence of the petitioner's representative, on the basis of which notice of provisional order of assessment for unauthorized use of electricity was served upon the petitioner under Section 126 of the Act, demanding ₹10,49,859/-. Against the said notice, the petitioner filed objections on 31.10.2012 but the Assessing Officer passed the final assessment order on 07.12.2012, asking the petitioner to pay the amount of ₹10,49,859/-. Aggrieved against the said order, the petitioner filed the statutory appeal under Section 127 of the Act, which was dismissed on 19.05.2014.

Learned counsel for the petitioner has submitted that the impugned order has been passed on the ground that the petitioner had been unauthorizedly using electricity for G.B. Public School from the connection bearing A/c No.GC 22/11, whereas the said electricity connection of G.B. Public School was a part of the order of clubbing of the previous two electricity connections.

The only argument, thus, raised before this Court is that the petitioner was having electricity connection bearing No.JA 38/0371 in the name of Ramneek Residential Accommodation, MT Section and G.B. Public School, which was clubbed with the electricity connection bearing No.JA 38/0289 and a new connection bearing No.GC 22/11 was issued, therefore, there was no unauthorized use of electricity by the petitioner, as has been noticed by the respondents while determining that the electricity supply to G.B. Public School was unauthorized.

On the other hand, counsel for the respondents has submitted that no electricity connection was released by them to the G.B. Public School, which is entirely a different building. It is also the stand of the respondents that the connection bearing No.JA 38/0371 was not released in the name of G.B. Public School, rather it was only in the name of Ramneek Residential Accommodation and no load was ever extended by them for MT Section and G.B. Public School, as alleged by the petitioner.

Counsel for the respondents has also referred to the affidavit filed by the responsible person of the petitioner, namely, Gurbachan Singh S/o Darshan Singh, in which there is a reference of the connection in respect of electricity connection bearing No.JA 38/0371 in the name of Ramneek Residential Accommodation only and not in regard to the G.B. Public School.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the petitioner has failed to bring on record any cogent evidence to prove that it had the electricity connection bearing No.JA 38/0371 in the name of Ramneek Residential Accommodation, MT Section and G.B. Public School and as the electricity

connection bearing No.JA 38/0371 was only in the name of Ramneek Residential Accommodation and after clubbing of the two connections bearing No.JA 38/0289, which was in the name of Shahibzada Ajit Singh Academy, and another bearing No.JA 38/0371, which was in the name of Ramneek Residential Accommodation, the new electricity connection bearing No.GC 22/11 was only pertaining to these two premises and has nothing to do with the third premises called the G.B. Public School.

Thus, in the absence of any cogent evidence led by the petitioner in this regard, I do not find any reason to interfere in the impugned order(s) and hence, the present writ petition is hereby dismissed, being denuded of any merit, though without any order as to costs.

March 09, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No