

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12268 of 2016 (O&M)

Date of decision: 30.07.2018

Dakshin Haryana Bijli Vitran Nigam Ltd. and another

.....Petitioners

Versus

Permanent Lok Adalat (Public Utility Services), Narnaul and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Prateek Mahajan, Advocate,
for the petitioners.

None for respondent No.2.

Ritu Bahri, J.

The petitioner is seeking a writ of certiorari for quashing the award dated 19.08.2015 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services), Narnaul, whereby the electricity connection of Chamber of respondent No.3 was directed to be treated as 'domestic' supply.

Reference can be made to a judgment passed by Hon'ble the Supreme Court in Chairman, M.P. Electricity Board and others vs. Shiv Narayan and another, Civil Appeal No.1065 of 2000 (decided on 27.10.2005). It was a where a Lawyer was running his office in a portion of his house. The electricity board levied charges on commercial basis. Feeling aggrieved, the Advocate filed a writ petition, which was allowed by the Madhya Pradesh High Court. Before the Hon'ble Supreme Court, matter was referred to a Larger Bench, which has examined the issue and found the tariff entry into two categories i.e. (i) domestic purposes and (ii) commercial

and non-domestic purposes. It was held that office of an Advocate would fall in the category of 'commercial and non-domestic' supply. Even if, the work of Advocate is not to be taken as commercial activity, it will fall in the category of 'commercial and non-domestic', as work of a Lawyer/Advocate does not fall in the 'domestic' category. Ultimately, the judgment passed by the Madhya Pradesh High Court was set aside.

In the present case, challenge is to the order dated 19.08.2015 (Annexure P-3), whereby the Permanent Lok Adalat has allowed an application made by respondent No.2-Anup Singh, Advocate by treating supply of electricity to his office as 'domestic supply' and the petitioners have been directed to issue bills regarding the meter installed in his chamber by treating the supply as 'domestic supply'.

After issuing notice of motion, respondent No.2 was served way back in the year 2016, but has not chosen to appear till date. A perusal of the impugned order shows that in the present case, respondent No.2 was not running an office in his house. In fact, the electricity connection has been granted in his chamber in the District Courts. Hence, applying the ratio of the judgment passed by Hon'ble the Supreme Court in Shiv Narayan's case (supra), the connection in dispute has to be treated as 'commercial and non-domestic' and charges are to be treated accordingly.

Resultantly, the present petition is allowed and the impugned award dated 19.08.2015 (Annexure P-3) is set aside.

30.07.2018
ajp

(RITU BAHRI)
JUDGE

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