

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

**CWP No. 2037 of 2017
Date of Decision: 23.1.2018**

Alchem International Private Limited

.....Petitioner

v.

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Ms. Ishita Jain, Advocate, for the petitioner

Mr. Raheel Kohli, Advocate, for the respondents

RAKESH KUMAR JAIN, J (Oral) :

This petition is filed for seeking a writ of mandamus, directing the respondents to restrain from disconnecting the electricity connection of the petitioner company till the final disposal of its complaint made to respondent No. 3-the Coordination Committee of Haryana Vidyut Prasaran Nigam Limited (in short 'the Nigam').

Learned counsel for the Nigam/respondent No. 1 has submitted that the said complaint filed before the Coordination Committee has already been decided on 17.11.2011 and the petitioner has also filed appeal against that order, before the Haryana Electricity Regulatory Commission (in short 'the Commission'). Therefore, the cause of action in this petition does not survive.

On the other hand learned counsel appearing for the petitioner has submitted that though the facts stated by the counsel for the Nigam/respondent No. 1 are not disputed but there is no date given by the

Commission for hearing of the appeal and in case stay granted by this Court is vacated, the petitioner would be in a difficulty.

I have heard learned counsel for the parties and after perusal of the record, am of the considered opinion that in so far as this petition is concerned, it has become redundant with the decision on the complaint filed by the petitioner before the Coordination Committee because the prayer made in the petition is 'only to restrain disconnection of electricity connection till the final disposal of the complaint'. Since the decision has already been given on the complaint by the Coordination Committee, the petitioner has not amended the petition for the purpose of stay till the matter is decided by the Nigam/respondent No. 1, the present petition does not survive.

Hence, the same is hereby dismissed as having become infructuous.

(RAKESH KUMAR JAIN)
JUDGE

23.1.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No