

CWP No.9057 of 2012 and connected matters

1

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

**CWP No.9057 of 2012
Date of Decision: 06.09.2018**

Ranbir Singh

.....Petitioner

Vs.

Punjab State Power Corp. Ltd. Patiala and others.....Respondents

**CWP No.9059 of 2012
Date of Decision: 06.09.2018**

Kulwinder Singh

.....Petitioner

Vs.

Punjab State Power Corp. Ltd. Patiala and others.....Respondents

**CWP No.9060 of 2012
Date of Decision: 06.09.2018**

Balwinder Singh

.....Petitioner

Vs.

Punjab State Power Corp. Ltd. Patiala and others.....Respondents

**CWP No.9063 of 2012
Date of Decision: 06.09.2018**

Manish Kumar

.....Petitioner

Vs.

Punjab State Power Corp. Ltd. Patiala and others.....Respondents

**CWP No.9439 of 2012
Date of Decision: 06.09.2018**

Wassan Singh

.....Petitioner

Vs.

Punjab State Power Corp. Ltd. Patiala and others.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Onkar Singh, Advocate, for the petitioners.

Mr.Amit Aggarwal, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

This order shall dispose of the aforesaid five writ petitions as common questions of law and facts are involved in the five writ petitions. However, the facts are taken from CWP No.5712 of 2012 for convenience.

Petitioners are seeking issuance of a writ in the nature of certiorari for quashing the order dated 23.05.2012 (Annexure P-4) vide which the electricity supply of the tube-well of the petitioners has been disconnected and further directions to the respondents to restore the electric supply to the agriculture power pump of the petitioners.

Petitioners were given electricity connection vide order (Annexure P-1) for using tubewell pump with sanctioned load for 3HP motor. This allotment was made out of Chairman quota. After receiving the allotment letter, petitioners had deposited Rs.10,800/- vide receipt No.21.02.2009 with the PSEB (Annexure P-2). Thereafter, completion of the formalities on the part of the petitioner, a demand notice No.312 dated 05.03.2009 (Annexure P-3) was issued to the petitioners for depositing some amount with the Board for necessary expenditure for supplying the electricity. The respondents-board after the lapse of three years told the petitioners that on a complaint a preliminary investigation was made by the SE (technical investigation) and it has come to the notice that the agriculture power connection has been wrongly released to them under the category of Chairman PSEB discriminatory quota. The petitioners were also asked through the lineman of the area to appear before Assistant Engineer PSPCL, Pandori Mahanta on 07.05.2012 and to present his side of the case. Petitioners have filed their reply Annexure P-4 taking the plea that they have not made any misrepresentation for obtaining the aforesaid electricity connection. Thereafter on 09.05.2012, Assistant Engineer operation alongwith other staff came to the site and disconnected the electricity supply to the motor pump of the petitioner and it was ordered that inquiry may be conducted in this regard. Aggrieved against the same, petitioners had filed

respective writ petitions praying for their electricity connection may be restored.

Learned counsel for the petitioners has argued that in inquiry report, it was found that the petitioners/consumer had not got issued any letter to supply them connection from the chairman quota and it was on account of on Subhash Chander, Lineman who had given this letter after preparing it from the office at Patiala. SDO Harbans Lal, Mannohan Bhagat J.E. And Subhash Chander Lineman, Dhariwal have been found guilty in the whole matter. In this backdrop, counsel for the petitioner submits that electric connection should be restored to the petitioners as challan has now been presented against departmental official. Keeping in view the inquiry in the FIR (Annexure P-6), petitioners have not been found to be guilty.

In view of the above, present writ petitions are deserve to be allowed. Respondents are directed to pay costs of Rs.30,000/- each to all the petitioners in above-mentioned writ petitions.

(RITU BAHRI)
JUDGE

06.09.2018

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>