

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

**RSA Nos.5267 to 5272 of 2016 (O&M)  
Date of Decision:11.10.2018**

Guru Gobind Singh Medical College and Hospital, Sadiq Road, Faridkot  
through Medical Superintendent

...Appellant(s)

**Versus**

Punjab State Electricity Board now Punjab State Power Corporation Ltd.and  
others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr.K.S.Dadwal, Advocate for the appellant.  
Mr.G.S.Ghuman, Advocate for the respondents.

**ANIL KSHETARPAL, J. (ORAL)**

This order shall stand disposed of six appeals bearing RSA  
Nos.5267 to 5272 of 2016 as the issue which needs consideration is same.

The plaintiff is in the regular second appeal against the  
concurrent findings of fact arrived at by the courts below.

The dispute in the present case is whether the plaintiff-  
appellant, which is a Medical College and Hospital is required to pay the  
electricity bill on tariff fixed for non-residential supply or domestic supply.

It is not disputed and concurrently found by the courts below  
that when the appellant-institution applied for connection, it entered into an  
agreement with the electricity supply company for agreeing to pay tariff  
fixed for non-residential supply. In between there was a communication  
from the Chief Engineer which resulted into revision of electricity  
consumption bills and tariff for domestic supply was charged. However, in  
audit, this fact

came to light and therefore revised bills were issued which have been paid.

Learned counsel for the appellant, while referring to Ex.P10, has submitted that the institution is running a medical college, which falls as per Regulation No.87.1.1 in the category of domestic supply tariff. Regulation 87.1.1 is extracted as under:-

*“87.1.1:- Supply to Government/Government aided Educational Institutions viz schools, colleges, universities, I.Ts, hostels and residential quarters attached to the educational institutions shall be classified under Domestic Supply Tariff. Hostels shall be considered as one unit and billed under domestic supply tariff without compounding Private un-recognized/un-aided but Government recognized educational institutions shall be billed under Non-Residential Tariff.”*

He has further submitted that the the Chief Engineer had ordered revision of the electricity bills on the books of aforesaid regulation and therefore it must be assumed that exemption was granted to the institution. He has further drawn attention of the Court to Ex.P-9, an order passed on the direction of the Chairman, Power Supply Company, whereby exemption was specifically granted to Rajindra Hospital taking into consideration that it is a Government owned Institution.

This Court has considered the submissions.

Electricity Supply Regulation provide for exclusive educational institutions and not the institutions which are running a hospital and coupled with that educational institution. Therefore, Regulation 87.1.1. does not come to rescue the appellant.

Still further, as regards Ex.P10, this is only a communication issued by the Chief Engineer to his subordinates for charging domestic tariff. There is no order of the competent authority like in the case of Rajindra Hospital exempting the present appellant-institution from paying tariff for non-residential supply. Since Rajindra Hospital is a Government institution, therefore, the competent authority in that particular case had passed an order, granting exemption.

Learned counsel for the appellant did not dispute that when appellant-institution was granted electric connection, there was an agreement for payment of tariff fixed for non-residential supply and the aforesaid agreement has never been revised. Although, learned counsel for the appellant made sincere attempt to distinguish between various buildings pointing out that some buildings are being used for washing the cloths of the children and some of the buildings are being used for medical colleges. Hence, he submitted that at least the buildings, which are being used only for education or for hostel, non-residential supply tariff cannot be charged qua these buildings. This aspect has already been considered by the Electricity Supply Company and the distinction has been made between the buildings which are being used only for educational and hostel purposes.

In view of the above, there is no ground to interfere. All these six regular second appeals are dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

**11.10.2018**  
**mks**

**(ANIL KSHETARPAL)**  
**JUDGE**

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