

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

RSA No. 3873 of 2015

Date of decision : 18.01.2018

Bhola Singh

...Appellant

versus

P.S.E.B and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.S. Barnala, Advocate
for the appellant.

RITU BAHRI, J.

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant') has been dismissed.

Brief facts of the case are that the appellant filed a suit against the defendants-respondents (herein after to be referred as 'the respondents') to the effect that he was owner and in possession of electric connection and the suit property and retarding this connection, respondent No. 4 had deposited an amount of Rs.14,000/- with P.S.E.B on 19.11.2001 as security and the Electricity Board had issued connection in the name of respondent No. 4 in the month of March, 2006. Respondent No. 4 had sold 1/6th share out of 06 marlas bearing khasra No. 1200 (0-1) and 1202 (0-5) vide transfer deed bearing No. 1017 dated 05.08.2002 along with all rights and from the date of transfer, appellant became the owner in possession of the suit property. Respondent No. 4 had also issued an affidavit for getting the name

of the connection transferred in the name of the appellant, which was got attested from Executive Magistrate on 27.01.2009

The suit filed by the appellant was dismissed by both the Courts below on the ground that as per rules of the Electricity Department, the applicant who applies for tube well connection should be owner of at least one acre of land at the time of release of connection. In the present case, respondent No. 4 was not the owner of one acre of land and he had concealed this fact from the Board that he had not remained owner of the said land in the year 2006. Thus, he had violated the terms and conditions of the Electricity Department. Once the undertaking filed by respondent No. 4 was found to be false, his connection was held to be permanently disconnected without any notice.

The finding of facts recorded by the learned trial Court was rightly upheld by the Lower Appellate Court, as in the present case, the present-appellant has miserably failed to prove on record that at the time of release of connection by respondent No. 5, he was the owner of one acre of land.

Accordingly, the concurrent findings of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

18.01.2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No