

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

RSA-5999-2016

Date of Decision: May 22, 2018

Jagdeep Singh

...Appellant

Versus

Punjab State Power Corporation Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. J.K. Singla, Advocate,
for the appellant.

ARUN PALLI, J. (ORAL)

Suit filed by the appellant-plaintiff was dismissed by the Trial Court, vide judgment and decree, dated 02.08.2014. As even the appeal preferred against the said decree failed and was dismissed by the Appellate Court, on 21.01.2015, the appellant-plaintiff is in Regular Second Appeal before this Court. The parties to the *lis*, hereinafter shall be referred to their original positions in the suit.

The plaintiff prayed for an injunction restraining the defendants from disconnecting the electricity connection No. B-94B.R 311267X, illegally/forcibly, installed in the shop of the plaintiff. In brief, the case set out by the plaintiff was that he was running a shop at Bus Stand, Bhairupa, Tehsil Phul, District Bathinda. He has been paying the electricity bills regularly against receipts. However, the official of the electricity department demanded money from the plaintiff, and on his refusal to oblige them, they threatened to disconnect his electricity supply.

In the written statement filed on behalf of the defendants, it was

pleaded that the plaintiff had three shops at Bus Stand, Bhairupa. Shops

Mark-‘A & B’ were let out by the plaintiff, and were on rent with the tenants, whereas shop Mark-‘C’ was in his occupation, in which the disputed connection was installed. An electric wire was passing in front of these shops, and the plaintiff consumed the electricity by committing theft. Resultantly, the Sub Divisional Officer, PSEB, alongwith Mohinder Singh, Junior Engineer, and Sukhmander Singh, Assistant Junior Engineer, checked the spot on 09.04.2010, and having found the plaintiff guilty, served him with a notice, under Section 135 of the Electricity Act, 2003. But as he failed to deposit the requisite amount, his electricity connection was disconnected.

On a consideration of the matter in issue and the evidence on record, both the Courts concurrently concluded that the plaintiff had prayed for a decree for injunction restraining the defendants from causing disconnection of his electricity supply. However, he admitted in his cross-examination that the SDO and other employees of the department had visited his shop, and took away the electricity meter. Therefore, it was established that the electricity connection in question was no longer in existence. The Memo. bearing No. 488, dated 06.05.2010 (Ex.D-1), also showed that the said connection had since been disconnected. Therefore, no injunction could be granted to the plaintiff. Further, this position was duly substantiated even by Mohinder Singh, JE (DW-1), in his deposition.

On being pointedly asked, learned counsel for the appellant-plaintiff could not refer to anything on record to show if the conclusions arrived at by both the courts were either contrary to the position on record or suffered from any material illegality.

No question of law, much less any substantial question of law arises for consideration. The appeal being devoid of merit, is accordingly dismissed.

(ARUN PALLI)
JUDGE

May 22, 2018
P Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO