

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CM-16752-C-2018 in/and
RSA-6004-2018 (O&M)
Date of Decision : 01.11.2018

Executive Engineer/DGM,
Dakshin Haryana Bijli Vitran Nigam Ltd.
and others

..... Appellants

Versus

Capt. D.S.Giare and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Puneet Jindal, Senior Advocate with
Ms. Neha Anand Mahajan, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

CM-16752-C-2018

For the reasons recorded, the application is allowed. Delay of
122 days in re-filing the appeal is condoned.

RSA-6004-2018

This appeal has been filed against the concurrent judgments of
the Courts below decreeing a suit filed by the respondents whereby they had
challenged some bills issued by the appellants wherein the appellants had
claimed that they were liable to pay bulk non-domestic supply instead of
bulk domestic supply.

The real dispute was whether the load utilized for operation of lifts, water pumps and fire fighting system in a high rise residential building would fall within domestic supply or not.

Both the Courts below have held that once the entire building was used for residential purposes, the electricity which would be utilized for running these essential services would have to fall within the domestic supply and to this effect there are concluded decisions of the HERC (Haryana Electricity Regulatory Commission) and APTEL (Appellate Tribunal for Electricity).

Appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

01.11.2018

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No