

COCN No. 3734 of 2018

DECIDED ON: DECEMBER 10, 2019

SHEO KARAN THROUGH SPECIAL POWER OF ATTORNEY BHIM
SAIN

.....PETITIONER

VERSUS

M R SACHDEVA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner.Mr. Ashish Yadav, Advocate
for the respondents

AVNEESH JHINGAN, J (ORAL)

The present petition has been filed pleading wilful disobedience of the directions of this Court dated 16.05.2018 passed by learned Additional District Judge, Sirsa.

The brief facts of the case are that petitioner filed a suit for declaration to the effect that the additional demand of ₹1,20,326/- by way of Bill No. 1606 dated 08.04.2012 is liable to be set aside. The suit was dismissed on 06.07.2015. Aggrieved of the dismissal, an appeal was preferred. In the appeal a statement was made on behalf of Dakshin Haryana Bijli Vitran Nigam Ltd. Sirsa, District Sirsa (hereinafter referred to as 'Nigam') that the whole amount due against the appellant-Sheo Karan has been adjusted and nothing remains due. The appeal was dismissed as withdrawn with the direction to respondents to restore the electricity connection **as per Rules**. The order in

appeal is quoted below:-

“ Today, the case was fixed for arguments. Arguments not advanced. However, Sh. Hans Raj, CA working under operation, Sub Division, DHBVN, Chautala has made a statement that in the present case the whold amount due against the appellant Sheo Karan in Electricity Account No. KB-61-0242AP (old No. KB837 Drip System) situated at Village Chautala has been adjusted in the account of appellant Sheo Karan. Nothing remain due against the appellant in this case.

Counsel for the appellant has made a statement that keeping in view the statement made by Hans Raj, CA working under operation, Sub Division, DHBVN, Chautala, he withdraws the present appeal as well as main civil suit connected with the matter, as per the telephonic directions of the appellant and also prayed that electricity connection/Electricity Account No.KB-61-0242AP (old A/C No. KB837 Drip System) may kindly be ordered to be restored. Ld. Counsel for the appellant has also requested for returning of original documents of the appellant attached with the appeal as well as with the main suit.

*Heard. In view of the statement of the counsel for the appellant, the present appeal as well as main suit are hereby, dismissed as withdrawn and the respondents are directed to restore electricity connection/Electricity Account No. KB-61-0242AP (old No. KB837 Drip System) **as per rules.** The original documents be returned to the appellant against proper receipt and identification. LCR be sent back with a copy of this order. Appeal file be consigned to the record room.”*

(emphasis applied)

The grievance raised in the present petition is that respondents are asking for completion of formalities and for depositing of prescribed fee for restoring the electricity connection.

Learned counsel for the respondents submits that the documents

required under the Rules have been asked. The amount to be deposited is as per Rules fee of the meter as well as for restoring the connection.

Learned counsel for the petitioner argues that there are directions of the court and no document or fee can be asked by the respondents.

The contention raised by learned counsel for the petitioner is not well founded. The appeal was dismissed as withdrawn in view of statement made on behalf of Nigam. The directions of the Court were specific that the connection is to be restored 'as per Rules'. There was no statement made for waiving off the said requirements.

No case is made out for contempt. Dismissed.

DECEMBER 10, 2019
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(AVNEESH JHINGAN)
JUDGE

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