

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-24027-2019 (O&M)
Date of Decision: 02.09.2019

Satish Kumar & others

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.J. Bhorawal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners seek a Mandamus for directing the official respondents no.2 to 4 to release permanent electricity connections in their favour.

Pleadings on record would indicate that petitioners are residents of a housing society under the name and style of The D Homes (Gulmohar Residency) Sector 116, SAS Nagar. It has been averred that about 39 flats were constructed and sold by the developer. In the year 2013 respondent no.5 i.e. the M/s Shivalik Site Planner Pvt. Ltd. had got sanctioned a license to develop a residential colony and such license was issued by GMADA over an area of 25 acres. The same was even got approved from the Senior Town Planner, S.A.S. Nagar.

Counsel submits that respondent no.6 i.e. the developer M/s Dara Estate Pvt. Ltd. had allured the petitioners that possession of the flats would be delivered complete in all respects in the year 2016.

It is submitted that the petitioners herein who are 32 in number have occupied the flats and suddenly the respondent-Punjab State Power Corporation Ltd. has snapped the electricity supply on 22.8.2019.

Counsel would argue that the action of the respondent-Corporation is arbitrary as it would virtually amount to dislocating the petitioners from the flats that they have occupied. The default, if any, was at the hands of the developer for which the petitioners cannot be made to pay a price. Further submitted that petitioners have even approached the officials under the GMADA regarding redressal of their grievance but no positive response has been evoked till date.

Having heard counsel for the petitioners at length and having perused the pleadings on record, this Court is of the considered view that the prayer of the petitioners for release of permanent electricity connections cannot be accepted.

During the course of hearing counsel would concede that pertaining to the project in question that was being developed by respondent no.6/M/s Dara Estates Pvt. Ltd. no completion or occupation certificate was issued by the competent authority under the GMADA. Even an N.O.C has not yet been issued.

As per averments contained in para 5 of the writ petition the bulk power supply connection through account number 3004957546 category SAP-NONSBM-TMP Temporary NON-RESIDENTIAL in the name of The Dara Estate had been secured. On the basis of such connection sub meters at the flats in which the petitioners were residing had been installed.

Clearly the petitioners have been utilizing the temporary connection sanctioned for non-residential purposes towards a residential purpose.

Counsel has not been able to advert to any provision under the circulars issued by the P.S.P.C.L whereby permanent electricity connections can be released in relation to premises which are not authorized and do not have necessary certification.

No interference in the matter is called for.

Petition is dismissed.

Liberty, however, is granted to the petitioners to take out appropriate proceedings against the developer, if, so advised.

(TEJINDER SINGH DHINDSA)
JUDGE

02.09.2019

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