

102 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-11442 of 2020 (O&M)  
Date of Decision : 19.08.2020

Roshan Lal

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

(Through video conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Singal, Advocate  
for the petitioner.

**Harsimran Singh Sethi, J. (Oral)**

**CM-7825-CWP of 2020**

As prayed for, application is allowed.

**CWP-11442 of 2020**

Learned counsel for the petitioner argues that though, the petitioner is not in the service of the Rohtak Khadi Ashram any more and the said premises was allotted to him being the office bearer of the said Khadi Ashram but still, as he is occupying the said premises, though, without there being any right to retain the same, the petitioner is entitled for the electricity connection as the petitioner is ready to pay the said charges out of his own pocket.

Learned counsel for the petitioner submits that as per the provisions of law, the petitioner is entitled for the supply of the electricity and reliance is being placed upon Sections 2(15) and 43 of the Electricity

Act, 2003 (in short, 'the 2003 Act'). The said provisions are as under:-

“Section 2 (15) “consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee the Government or such other person as the case may be;

Section 43 (Duty to supply on request):-

(1) 1 (Save as otherwise provided in this Act, every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area:

(1). Explanation.- For the purposes of this sub section, “application” means the application complete in all respects in the appropriate form as required by the distribution licensee, along with documents showing payment of necessary charges and other compliance.]

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub section (1):

Provided that no person shall be entitled to

demand or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.”

Learned counsel for the petitioner argues that as per the 2003 Act, on an application of the owner or the occupier of any premises, the electricity department is under obligation to supply the electricity and, therefore, as the petitioner is the occupier of the premises, the petitioner is entitled for the supply of the electricity as per Section 43 of the 2003 Act as the petitioner is to be treated as consumer under Section 2(15) of the 2003 Act.

The assertion of the learned counsel for the petitioner by placing reliance upon Section 2(15) and Section 43 of the 2003 Act so as to demand the continuous supply of the electricity is misplaced. The word occupier of any premise has to mean the legal occupier of the premises. The unauthorized occupant of a premises cannot claim to be an occupier of the premises as envisaged under Section 43 of the 2003 Act so as to demand the supply of the electricity.

Once, the petitioner is no longer in the service of the Khadi Ashram and is already a declared unauthorized occupant of the premises, which fact is not denied by the learned counsel for the petitioner even during the hearing, the petitioner cannot claim that he is entitled for the uninterrupted supply of the electricity to the premises, which the petitioner is holding unauthorizedly as per the provision of the 2003 Act.

At this stage, learned counsel for the petitioner contends that as the petitioner is paying the electricity bills from his own pocket, hence, he is entitled for the supply of the Electricity.

Merely paying bills does not grant the jurisdiction to claim the uninterrupted regular supply, if the claim of the petitioner for the said supply is not covered by the provisions of the law i.e. 2003 Act. As detailed above, an unauthorized occupant cannot claim the supply of electricity by merely saying that he is ready to pay the electricity bills from his own pocket.

Learned counsel for the petitioner places reliance upon the judgment passed by the Madras High Court in 'P.N. Meenal vs. Assistant Executive Engineer and another', 2018 (2) MLJ 617. The said judgment cannot come to the rescue of the petitioner, as in that case the electricity connection was demanded when the eviction proceedings were going on whereas in the present case, the petitioner is not an authorized occupant of the premises, to which the petitioner intends the uninterrupted supply of the electricity. Facts and circumstances of the judgment in P.N. Meenal's (supra) do not apply in the present case and, therefore, no benefit of the same can be granted to the petitioner.

Keeping in view the above, no ground is made out to interfere with the order impugned and the writ petition is accordingly dismissed.

August 19, 2020  
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(HARSIMRAN SINGH SETHI)  
JUDGE

*Whether speaking/reasoned :* Yes/No  
*Whether reportable :* Yes/No