

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10613 of 2020

Date of Decision: 27th August, 2020

Manjit Singh

.....Petitioner

Versus

The Managing Director/Chairman, PSPCL and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. T.V.S. Lehal, Advocate
for respondents No. 2 to 5.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This is a petition seeking direction to respondents to restore electricity connection at his residence.

The brief facts are that domestic electricity connection bearing No.3004619634 was installed at petitioner's premises. There are allegations that the residential electric connection was being used for commercial purpose. A Memo dated 12.3.2019 was issued by the Assistant Executive Engineer, Punjab State Power Corporation, Jalandhar for recovery of Rs.12,283/-. Thereafter, provisional assessment order dated 22.1.2020 was passed assessing amount of Rs.21,583/-. There is no dispute between the parties that the payment has already been deposited *albeit* after disconnection of the electricity.

The petitioner has already filed a Civil Suit and has a remedy against the assessment order. However, since the electricity connection was not being restored, the petitioner has approached this Court.

On 26th August, 2020 following order was passed by this Court:

"The matter has been taken up for hearing through video conference due to COVID-19 situation.

The present petition has been filed seeking direction to the respondents to restore the electricity connection. It is not disputed that the petitioner has deposited the demand created in the assessment order dated 22nd January, 2020, though late by 3 days i.e. 2 days after disconnection.

Reply on behalf of the respondents sent by the electronic medium is printed and taken on record.

Mr. T.V.S. Lehal, Advocate for respondents No.2 to 5 is not in a position to dispute that in case the amount would have been deposited a day before the disconnection, the connection would have continued. He submits that the disconnection is on two grounds, firstly, for non-payment and secondly, that the domestic connection was mis-utilized as a commercial connection.

It may be noted here that the matter is already pending in a civil suit and the assessment order is appealable.

Learned counsel for the petitioner submits that in case the connection is restored on the usual restoration charges, the petitioner is ready to pay for electricity consumption on commercial basis without prejudice and reserving his rights to raise the issue in the appropriate Forum.

Before relegating the petitioner to the alternative remedy, the issue of restoration of the electricity connection would be important.

Learned counsel for the respondents seeks short accommodation to have instructions regarding restoration of the electricity connection during the pendency of the proceedings against the assessment order as well as disconnection order.

It is clarified that this restoration of connection would be as an interim measure and it would not prejudice the pleas

available to the petitioner or to the respondents.

List on 27th August, 2020."

Today, learned counsel for the respondents on instructions submits that as an interim measure, they are ready to restore the electricity connection on charging usual charges for restoration of connection and would be charging the commercial rates from the petitioner.

Learned counsel for the petitioner seeks liberty to avail remedy in accordance with law against the assessment order and the petitioner has no objection to pay charges for reconnection and commercial charges for consumption of energy.

In view of the above statements, the petition is disposed of. It is once again clarified that the restoration connection is an interim measure and it would not prejudice the pleas/rights available to the parties before the appropriate forum. The order shall not be construed as an observation on the merits of the case by this Court.

The petitioner shall approach the respondents' office for restoration of connection within one week and needful would be done within one week thereafter.

27th August, 2020

reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No