

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COC.P. No.1664 of 2020

DATE OF DECISION: 14.09.2020

M/s A.G. Construction Co.

.....Petitioner

versus

Sh. A. Veenu Prasad, IAS & Ors.

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.K. Girdhar, Advocate for the petitioner

Mr. Sehajbir Singh, Advocate for the respondents

..

ALKA SARIN, J.:

Heard through video conferencing.

The present contempt petition has been filed alleging non-compliance by the respondents of order dated 28.07.2020 passed by this Court in CWP. No.10511 of 2020 (*A.G. Construction Company vs. Punjab State Power Corporation Limited & Ors.*).

The petitioner participated in a tender and on 20.02.2020, being successful, was awarded the work of constructing VC's residence and University House at the IKG Punjab Technical University, Kapurthala (IKGPTU). On 18.05.2020 the petitioner also applied to the Punjab State Power Corporation Limited (PSPCL) for release of an electricity connection. However, as the electricity connection was not being released, the petitioner approached this Court by filing CWP. No.10511 of 2020. The

said writ petition was disposed off vide order dated 28.07.2020 (Annexure P-1) while directing *“that in case requisite formalities as required under the rules and relevant provisions are carried out by the petitioner within two days, temporary electricity connection be released by the respondent-Corporation immediately thereafter”*.

In August 2020 the present contempt petition was filed alleging non-compliance by the respondents of the order dated 28.07.2020 (Annexure P-1) and in not releasing the temporary electricity connection. According to the petitioner, after the passing of the order dated 28.07.2020 (Annexure P-1), it had deposited the requisite fee and completed the remaining formalities. However, the temporary electricity connection was not being released.

On 26.08.2020 notice was issued to the respondents, a reply dated 07.09.2020 has been filed. It is contended that the IKGPTU is provided electricity through an independent 11 KV feeder erected solely at the cost of IKGPTU. The supply for the temporary connection is ideally supposed to come from this independent feeder. As such, vide letter dated 11.08.2020 (Annexure R-3/1) the respondents had approached the IKGPTU for a No Objection so as to provide the petitioner with a temporary connection from their independent feeder. In response, the IKGPTU vide its letter dated 24.08.2020 (Annexure R-3/2) categorically denied the No Objection and stated that no connection be provided from the electricity line of the IKGPTU. Thus, to provide a temporary electricity connection to the petitioner, 750 meters 11 KV line and installation of a 10 KVA single transformer is required which would entail an expenditure of Rs.5,90,307/- by the petitioner. Vide letter dated 27.08.2020 (Annexure R-3/3) and email

dated 27.08.2020 (Annexure R-3/4) the petitioner was called upon to

deposit the said amount of Rs.5,90,307/- so that further action could be taken for release of the temporary electricity connection. In the reply it is also stated that the demand of Rs.5,90,307/- is in accordance with the provisions of the Supply Code (which have been reproduced in the reply) and on disconnection of the temporary electricity connection the amount deposited by the petitioner would be refunded in accordance with the regulations. It is submitted that as per the order dated 28.07.2020 (Annexure P-1) the PSPCL is to release the temporary electricity connection only once the petitioner completes all the formalities under the relevant rules and regulations which formalities have not been completed by the petitioner. Hence, it is contended that it is the petitioner who has not complied with the order dated 28.07.2020 (Annexure P-1) while PSPCL has strictly complied with the said order.

I have heard learned counsel for the parties. A perusal of the order dated 28.07.2020 (Annexure P-1) reveals that even in the writ proceedings the PSPCL had contended that *“there is no question of denying temporary electricity connection to the petitioner, however the petitioner itself has not taken requisite steps as are required under the rules. Requisite fee after the submission of online application has not been deposited and neither has a letter of consent from either the IKG Punjab Technical University – owner of the premises or by the PWD (B&R) i.e. the appointing authority of the petitioner – contractor, has been submitted”*. It was thereafter that the petitioner agreed to complete all the formalities within the next two days and this Court passed the direction *“that in case requisite formalities as required under the rules and relevant provisions are carried out by the petitioner within two days, temporary electricity*

connection be released by the respondent-Corporation immediately thereafter”.

The reply filed by the respondents makes it clear that the petitioner has not complied with the rules and regulations in as much as neither has the consent from the IKGPTU been obtained for drawing the line from its feeder and, as a consequence of the refusal by IKGPTU, nor has the further amount required for laying an independent line and installing a transformer been deposited with the PSPCL. The PSPCL cannot be expected to lay any independent transmission lines or install a transformer for releasing a temporary electricity connection in favour of the petitioner without the petitioner depositing the amount of security (works)/estimated cost, advance security for consumption/security (meter) as required by the Supply Code. The release of the temporary electricity connection in favour of the petitioner was/is contingent upon the petitioner completing the requisite formalities under the rules and the relevant provisions viz. the Supply Code. Since these formalities have not been completed by the petitioner, the PSPCL cannot be expected to release the temporary electricity connection in favour of the petitioner.

This Court is, thus, satisfied that there has been no wilful disobedience by the respondents of order dated 28.07.2020 (Annexure P-1). This contempt petition is dismissed.

Rule discharged.

(ALKA SARIN)
JUDGE

14.09.2020
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NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
