

RSA-5389-2018 (O&M)

Date of decision: 16.01.2020

Chanpreet Singh

.....Appellant

versus

Punjab State Power Corporation Limited
and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Arvind Kashyap, Advocate
for the appellant.**FATEH DEEP SINGH, J.****CM-14890-C-2018**

Heard on application for condonation of delay in re-filing
the appeal.

In view of the contentions made in the application and in
the light of the settled position that a party should not be denied
access to justice on hyper technical grounds and in the interest of
justice, taking a lenient view, delay of 15 days in re-filing the appeal
is hereby condoned.

CM stands disposed off.

RSA-5389-2018

The respondents/Punjab State Power Corporation
Ltd. (PSPCL) through its erstwhile composition the Punjab State

Electricity Board (PSEB) had granted electric connection (agriculture connection) under account No.A-168, new AP/38-434 of 15 BHP in the name of one, Ajmer Singh, who admittedly happens to be grandfather of appellant-Chanpreet Singh. After the death of Ajmer Singh, his son Surjit Singh, father of the plaintiff is alleged to have been using this connection which was installed in their agricultural land. It is pertinent to mention here that three electric connections bearing No.A-168/AP-38/434, A-141/AP-141/087 and A-540/AP-38/0384, in village Rajindergarh, had been earlier allotted to Ajmer Singh, original owner of the land. The property of Ajmer Singh devolved upon his three sons, Surjit Singh (deceased), father of the plaintiff, Baljit Singh and Gurcharan Singh. The bone of contention is over the connections bearing No.A-168/AP-38/434, A-141/AP-141/087 and A-540/AP-38/0384, which the plaintiff claims to be installed in his land. It is over this dispute between the plaintiff and the defendant-PSPCL. The plaintiff had filed the suit seeking a decree of permanent injunction and restraining the defendants from interfering in the electric connection. It is fairly conceded and could not be displaced on behalf of the appellant by Sh. Arvind Kashyap, Advocate that electric connection is the property of the Board/PSPCL and under their rules, are sole authorities to transfer the connection as per their rules. It is there that a dispute has arisen over the electric

connection, for which, the suit has come about between the collaterals besides the fact the application moved by the plaintiff for transfer of connection in his name was declined on 26.05.2016, on the ground that the same stood already transferred to others, it has been rightly remarked by the Court below that a mere suit for permanent injunction would not decide the title and the plaintiff ought to have recourse to appropriate remedy under the law. Even the First Appellate Court in the impugned judgment dated 12.02.2018 has upheld the findings of the lower Court holding that since the motor connection already stands transferred, as per the Rules in the exercise of powers by the respondents (PSPCL), no cause to show indulgence is made out. In light of the same, there is no illegality in the concurrent findings and the present appeal stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

16.01.2020

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No