

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5058-2019 (O&M)
Date of Order:23.02.2021

PAWAN KUMAR SOFAT

..Petitioner

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ferry sofata, Advocate,
for the petitioner.

Ms. Ambika Bedi, Assistant Advocate General, Punjab.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing
on account of restricted functioning of the Courts.

Through this writ petition, filed under Article 226/227 of the
constitution of India, the petitioner prays for the following substantive
reliefs:-

*“ i) Issue a writ in the nature of mandamus directing
the respondents No.1 to 5 to take immediate action in
the Representations/Complaints dated 08.05.2018
(Annexure P-15) made by the petitioner and after
investigation take appropriate action against the
concerned officials.*

*ii) Issue a writ in the nature of mandamus directing
respondent No.6 to compensate the petitioner for the
loss suffered by the petitioner due to non-supply of
electricity connection in time, despite deposit of all
the expenses and security deposits.*

*iii) Issue a writ in the nature of quo warranto as to
under what authority the respondent No.6 had
supplied electricity connection to the Respondent
No.7 over the electricity poles, which belongs to the
Petitioner.*

*iv) Issue a writ in the nature of mandamus directing
the respondent No.6 to suspend the electricity
connection of the respondent No.7, during the*

pendency of present writ petition.”

The petitioner claims that he established a firm namely-M/s Prabhu Kirpa Steels and applied for release of electricity load of 2250KW/2500 KVA, on 28.06.2010. The petitioner deposited certain amount and completed the formalities by the year 2012, however, no electricity connection was released. It has been pleaded that the respondent informed the petitioner that because of a Court stay on the installation of tower, the electricity connection cannot be released.

On 04.01.2016, the petitioner applied for cancellation of electricity connection and refund of the amount deposited along with the interest. It is pleaded that some amount was refunded. The petitioner, thereafter, applied for refund of the remaining amount, however, the same was not released. On 02.08.2016, the petitioner was paid an amount of Rs.12,07,632/- out of Rs.35,86,000/-. It is not in dispute that the property in question was sold through bank auction to respondent No.8 in 2017. It is claimed that the electricity connection in favour of respondent No.8 was immediately released.

Through this writ petition, as noticed above, the petitioner prays for issuance of a writ in the nature of mandamus directing the respondent to take action on the complaint dated 08.05.2018 and compensate the petitioner for the loss suffered due to non-supply of electricity connection in time and for issuance of various other writs.

On careful reading of Clause 4(i) of the prayer, it is apparent that the petitioner wants direction to respondent No.6 to suspend the electricity connection of respondent No.7 i.e. (Sub-Divisional Officer, Khanna).

Learned counsel for the petitioner submits that in fact the prayer for suspending the electricity supply to respondent No.7 is due to a typographical mistake. In fact, the petitioner prays for suspending the electricity supply to respondent No.8-the auction purchaser. It is, thus, apparent that the petitioner by filing the writ petition is trying to settle scores with the auction purchaser. At the cost of repetition, the property in question has already been transferred through a bank auction in favour of respondent No.8. The petitioner is no more interested in the electricity connection.

After having heard learned counsel for the parties at some length, this Court is of the view that the writ petition filed is wholly misconceived. One part of the relief is with regard to the compensation which can be assessed only after the parties are permitted to lead evidence. Second part of the prayer is with regard to the decision on the complaint dated 08.05.2018. For that purpose, the petitioner has an efficacious alternative remedy.

Hence, the writ petition is disposed of.

February 23, 2021
Ayub/nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No