

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

CWP-20052-2021

Date of Decision: 07.10.2021

DCA COMPUTER EDUCATION CENTRE

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG., Haryana
for respondents no.1 to 4.

Mr. Munish Gupta, Advocate
for respondent no.5.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this writ petition is for directing the official respondents to restore the electricity connection/meter and restart electricity supply of account No. 3076500000.

Petitioner is a tenant on the premises in question and is running a Computer Education Centre at the said premises. It is alleged that electricity connection has been illegally disconnected at the asking of respondent no.5 - landlord. The landlord, it is submitted, is indulging in such tactics only with a view to dispossess the present petitioner illegally. The official respondents, it is asserted, are duty bound to restore the electricity meter. The dues towards the Department are stated to have been deposited by the petitioner earlier.

Though notice of motion was not issued, an advance copy of the writ petition stand supplied to the official respondents and Mr. Munish Gupta, Advocate has appeared on behalf of respondent no.5 – landlord. Learned counsel for respondent no.5 points out that petitioner had in fact not paid electricity charges for almost one year. The landlord was thus in receipt of notice from the Electricity Department. In this situation, landlord had cleared the arrears and requested for disconnection of electricity supply.

Learned counsel for the petitioner at this stage is unable to deny that petitioner indeed did not deposit the dues towards the electricity charges with the respondent-Nigam during the period of pandemic, COVID-19, as alleged by respondent no.5. However, it is contended that electricity connection cannot be disconnected in this manner and that a fresh connection should be released to the petitioner as he is an occupier of the premises.

Heard.

In case, the petitioner moves an application along with requisite documents, fee etc. before the competent authority for release of electricity connection as an occupier of the premises in question, it is directed that said application be considered by the competent authority in accordance with law, after affording an opportunity of hearing to both the petitioner and respondent no.5 and necessary action be taken thereon within one week thereafter. It is clarified that there is no expression of opinion on the merits of the matter or the inter se dispute between the petitioner and respondent no.5. Parties are at liberty to agitate their rights before the appropriate forum in accordance with law.

This writ petition is disposed of accordingly.

07.10.2021

Sunil

Whether speaking/reasoned:
Whether reportable:

(LISA GILL)
JUDGE
Yes/No
Yes/No