

CWP-19788-2021

Date of decision : September 30, 2021

Ram Karan and others

.....Petitioners

Versus

The Dakshin Haryana Bijli Vitran Nigam Ltd. and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Neeraj Gupta, Advocate for the petitioners.

Mr. Ashish Yadav, Advocate for the respondents.

LISA GILL, J.

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

Petitioners have admittedly approached this court for quashing of notices dated 21.09.2021 (Annexures P1 to P5) issued to them to show cause that they have obtained electricity connection from the Department on the basis of false and fabricated documents of ownership/being occupier of premises. Petitioners have been asked to produce original documents, failing which, legal action will be initiated.

Learned counsel for the petitioners submits that reply to the said notices has been submitted by the petitioners yesterday i.e. 29.09.2021 but the petitioners apprehend that their electricity connection shall be disconnected without even providing them an opportunity of hearing in an illegal manner as it is alleged that the department is acting in connivance with the erstwhile land owners. Said land is stated to have been earlier owned by one Raghbir Singh and his successors-in-interest, on which petitioners have constructed their house and are in possession for over 25 years.

Advance copy of this writ petition has been supplied to the respondents. Mr. Ashish Yadav, Advocate for the respondents is in receipt of the same and on instructions from Sh. Sajjan Singh, SDO, DHBVNL, submits that no action whatsoever shall be taken against petitioners without affording an opportunity of hearing to them.

Keeping in view the facts and circumstances of the case and specifically that it is only a show cause notice which has been issued to the petitioners, no ground for any interference is made out at this stage. However, it is directed that competent authority shall finally conclude the matter only after considering the reply filed by the petitioners and any other attending documents, which may be produced by them within the next one week and after affording an opportunity of hearing to them. In case of any order adverse to the petitioners, same be not implemented for one week thereafter.

Accordingly, present petition is disposed of.

It is clarified that there is no expression of opinion on the merits of the matter.

September 30, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No