

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

RSA-435-2022 (O&M)

Date of decision: 14.03.2022

M/s Jai Mata Stone Crusher, Doiwala

....Appellant

Versus

Uttri Haryana Bijli Vitran Nigam Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anshul Mangla, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

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

The appellant is the plaintiff in a suit filed for grant of decree of permanent injunction restraining the defendants from illegally charging Rs.1,25,635.98 towards the electricity consumption charges as per an invoice dated 06.01.2015. It is the case of the appellant that it has shutdown business in the year 2012, pursuant to the directions of the Pollution Control Board, therefore, the electricity invoice in question is illegal.

The defendants contested the suit and stated that the plaintiff continued to consume the electricity. The learned trial court decreed the suit whereas the learned First Appellate Court has reversed the judgment and decree passed by the trial court.

Heard learned counsel representing the appellant at length and with his able assistance perused the judgments passed by the courts below. Learned counsel representing the appellant contends that DW1

Sunil Kumar Chand, SDO, UHBVNL, has admitted that the electricity

connection was disconnected. He further contends that as there was an order passed by the Pollution Control Board stopping the mining and disconnecting the electricity supply to the various crushers in the area in the year 2012, the appellant could not be burdened with the electricity consumption bill.

On a careful reading of the statement of DW1, which has been placed on file, it is evident that Sh.Sunil Kumar Chand, SDO, UHBVNL, while appearing as DW1 on 19.12.2017, does not admit that the electricity supply has been disconnected on 14.04.2012. He has deposed on 19.12.2017. The plaintiff has not produced any evidence to prove that there was any order of disconnection of the electricity or the plaintiff ever requested the electricity company to disconnect its electricity supply.

Learned counsel representing the appellant, while relying upon Ex.P-5, submits that disconnection of the electricity is proved. Ex.P5 is an application submitted by the plaintiff on 21.07.2016 while praying for restoration of the connection. Such application filed by the plaintiff is not sufficient to prove that the electricity supply of the plaintiff was disconnected on 14.04.2012. Furthermore, the plaintiff is required to stand on his own legs. The plaintiff, in the absence of evidence of an application for disconnection of the electricity, or an order of disconnection from the electricity supply Company, cannot succeed.

Learned counsel representing the appellant contends that the State Pollution Control Board had ordered disconnection of the

electricity of the appellant. In the absence of the order passed by the electricity supply Company, the order passed by the Pollution Control Board does not advance the case of the appellant, particularly, when the witness on behalf of the appellant admits availability of the electricity in its factory premises during all these time.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

14.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE