

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

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**CWP-12851-2021 (O&M)
Date of Decision: 23.11.2022**

DAVINDER SINGH

... Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LTD & ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Ashir Gulati, Advocate for
Mr. Vishal Gupta, Advocate
for respondents No.1 to 3.

Ms. Ginnigeet Malhotra, Advocate for
Mr. Ferry Sofat, Advocate for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the officials respondents to take a decision on the application dated 27.04.2021 (Annexure P-4) filed by the petitioner for transfer of the electricity tube-well connection bearing account No.AP28/0042 in the name of petitioner and the respondent No.4 jointly in accordance with the applicable rules.

Learned counsel for the petitioner contends that the father of the petitioner as well as respondent No.4 was having an agricultural tube-well connection vide account No.AP28/0042. He died on 16.09.2006 and the land/property including the tube well connection was inherited by the petitioner and respondent No.4. Partition by metes and bounds has not taken place so far,

however, both the petitioner as well as respondent No.4 have been irrigating their fields through the said tube-well.

The respondent No.3 had written a letter on 16.09.2020 to the petitioner and his brother i.e. respondent No.4 under Instruction 30.3 (F) of the Electricity Supply Instructions Manual, 2018 to apply for transfer of electricity connection of the said tube-well in their name. As the electricity connection could not be transferred in joint names, the respondent No.4 filed CWP No.19348 of 2020 in this Court for setting aside the letter dated 16.09.2020 issued by respondent No.3. The said writ petition was dismissed vide order dated 02.12.2020. An appeal against the said order was preferred bearing LPA No.903 of 2020. The same was disposed of by this Court vide order dated 22.04.2021 on the statement of the counsel for the private parties that they would file a joint application before the official respondents within a period of three weeks complete in all respects which may be considered a decision shall be taken thereupon by the competent authority. Liberty was granted to the parties to file a joint application. Learned counsel for the petitioner contends that even though the petitioner is approaching the respondent No.3 repeatedly for filing the joint application, however, he is not entertaining him. He submits that he has moved a representation (Annexure P-4) as well as the legal notice (Annexure P-5) to the official respondents for seeking transfer of electricity connection and that at this juncture he would be satisfied in case the respondents are called upon to look into aforesaid representation by the petitioner and pass a reasoned and speaking order thereupon.

Ms. Ginnigeet Malhotra, Advocate appears on behalf of the respondent No.4. She prays for some time to file response. However, taking

into consideration the prayer made and the order which this Court proposes to pass, the formal reply is not deemed necessary.

Accordingly, without commenting on the merits of the case, the present petition is disposed of with a direction to the respondent No.2 to take into consideration the representation (Annexure P-4) as well as the legal notice (Annexure P-5) and to pass a reasoned and speaking order thereupon after affording an effective opportunity of hearing to the respective parties.

The needful be done within a period of three months from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

Any other misc. application(s) also stand(s) disposed of accordingly.

23.11.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No