

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

**264 (1)**

**CWP-13330-2022 (O&M)  
Date of Decision: 22.08.2022**

**SILVER OAKS HUB LLP AND ANOTHER**

... Petitioners

Versus

**PUNJAB STATE POWER CORPORATION LIMITED AND ORS**

... Respondents

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

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Present: Mr. Amandeep Singh Talwar, Advocate  
for the petitioners.

Ms. Samridhi Sareen, Advocate  
for the respondents No.1 to 3.

Mr. Chetan Mittal, Sr. Advocate with  
Mr. Kunal Mulwani, Mr. Vikas Thakur and  
Mr. Udit Garg, Advocates for the respondent No.4.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The instant petition had been filed invoking the writ jurisdiction of this Court under Sections 226/227 of the Constitution of India raising a challenge to the orders dated 11.04.2022 and 24.04.2022 (Annexure P-13 and P-14) whereby the respondent-PSPCL had directed the petitioner to submit undertaking for making the payment of outstanding amount in respect of suit pending between respondent No.1 and petitioners to release the electricity connection.

The matter was taken up on 05.08.2022, when the following order was passed:

*“It appears that parties have arrived at some consensus without prejudice to their rights in a pending suit filed by the respondent-Corporation.*

*Learned counsel for the petitioners in CWP NO.13330 of 2022 submits that the petitioners shall deposit total amount of Rs.36,34,884/- with the respondent-Corporation without prejudice to their rights in the civil suit. The petitioners shall also undertake that in case the suit is ultimately decreed even for higher amount, the petitioner shall be bound to pay the same.*

*Let an undertaking to this effect be brought on record by the adjourned date.*

*Adjourned to 08.08.2022.*

*To be taken up after the urgent list.*

*Photocopy of this order be placed on the file of another connected case.”*

Since a consensus had been arrived at between the parties and the petitioners were required to submit an undertaking to deposit the amount of Rs.36,34,884/- without prejudice to the alternative right in the pending civil suit and also an undertaking that in the event the said suit is ultimately decreed for a higher amount, the petitioners shall be bound to pay the same. In compliance thereto, an undertaking by way of an affidavit of Gurvinder Singh son of Budh Singh- the designated partner of the petitioner-company has been filed today in Court. Copy thereof has been handed over to the counsel appearing on behalf of the respondent-PSPCL. The operative part of the aforesaid undertaking reads thus:

*“1. That the present affidavit is being filed on behalf and made on behalf of Silver Oaks HUB LLP, the owner of the land as stipulated in the main petition. Petitioner No.1 submits that it will deposit the amount of Rs.36,34, 884/- with the respondent-Corporation without prejudice to their rights in pending civil suit filed by the respondent-Corporation and subject to its final adjudication. Provided that the Respondents release restore and grant the electricity connections which are subject matter of the present case.*

2. That the petitioner no.1 shall also make the further payment, in accordance with the decree, if the suit is finally decreed (i.e. upon exhausting of the remedies of appeal) against the Petitioners.

3. That, I have read and understand the affidavit given by me. Further, I certify that the I am duly authorized to file the present undertaking. Special Power of Attorney issued by Petitioner No.1. A copy of the same is annexed herewith as Annexure A-1”

In view of the said undertaking produced by the counsel for the petitioners, the learned counsel for the respondent-PSPCL, without prejudice to its rights to recover the differential amount/interest pursuant to the decree passed in their favour and subject to deposit of the amount as undertaken by the petitioners within a period of two months, they shall not press upon the letters/orders dated 11.04.2022 and 24.04.2022 annexed with the present petition as Annexures P-13 and P-14 respectively.

In view of the above, the present petition is dismissed as not pressed at this stage.

Needless to mention that the respective parties shall remain bound to the stand/statement/undertaking given by them in the Court today.

Upon depositing the requisite amount, expeditious steps shall be taken by the respondent-PSPCL for releasing/restoration of the electricity connection(s) in question.

22.08.2022  
rajender

(VINOD S. BHARDWAJ)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No