

260

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

**CWP No.13973 of 2022
Date of Decision: 27.07.2022**

SEEMA ARORA

.....Petitioner

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Pushpinder Kaushal, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab
for respondent No.1.

Mr. Nafees Ahmad Khan, Advocate
for respondents No.2 to 4.

Mr. Pritam Saini, Advocate
for respondent No.5.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus directing respondents No.2 to 4 to provide permanent electric connection to the petitioner being occupier of Flat No.95-A, Gound Floor Shivjot Enclave, Kharar, SAS Nagar, Mohali.

On 05.07.2022, following order was passed by this

Court:-

“Learned counsel for the petitioner contends that the petitioner along with her family members is occupying Flat No.95-A, Ground Floor, Shivjot Enclave, Anne School Kharar, District SAS Nagar, Mohali since April 2018 on the basis of an oral agreement to sell between the petitioner and respondent No.5. Civil Suit No.620/2019 was filed on 01.08.2019 against respondent No.5, restraining him from interfering in the peaceful possession of the petitioner. The trial Court passed an order of status quo on 02.08.2019. Thereafter, the trial Court dismissed the application under Order 39 Rules 1 and 2 CPC on 16.11.2021, against which an appeal is pending in the Court of Additional District Judge, Mohali. The electric connection was disconnected on account of arrears of electricity bills on 13.06.2022. The aforesaid connection was restored on deposit of an amount of Rs.30,000/- by the petitioner with a request to pay remaining arrears in four equitable installments. Even after restoration of the electricity, the electric connection has again been disconnected and meter has been removed on 22.06.2022 upon the application of respondent No.5 as the meter is in the name of respondent No.5. Learned counsel further submits that since 22.06.2022, the petitioner along with her family members are staying without electricity, which is one of the basic amenities.

Notice of motion for 13.07.2022.

Dasti as well.

Liberty is granted to the petitioner to serve the respondent-Corporation through one of the panelist counsel in the High Court.

To be shown after urgent list.”

Learned counsel for respondents No.2 to 4/PSPCL

submits that the petitioner is in arrears to the tune of Rs.61,020/- after payment of Rs.30,000/- on 16.06.2022. Learned counsel further submits that restoration of electricity connection can be made only after receipt of total amount of pending dues.

Learned counsel for the petitioner submits that the petitioner is ready to pay the entire amount of Rs.61,020/- in two equitable installments. First installment of Rs.30,000/- shall be paid within a week and remaining installment of Rs.31,020/- shall be paid within two weeks thereafter.

Learned counsel for respondent No.5 however opposed the prayer on the ground that the petitioner is in unauthorized possession. Even if, husband of the petitioner is stated to be the occupier of the land, the petitioner has no right to maintain this writ petition. Ejectment proceedings are pending against husband of the petitioner.

Having considered the submissions made by learned counsel for the parties, I find that the electricity is a basic necessity. The electric connection can be released in favour of occupier of the premises under Section 43 of the Electricity Act, 2003.

In view of above, this writ petition is disposed of with a direction to respondents No.2 to 4 to restore the electricity connection to the premises in question subject to receipt of total

amount towards arrears i.e. Rs.61,020/- for which learned counsel for the petitioner has undertaken that an amount of Rs.30,000/- shall be deposited within a week and remaining amount shall be paid within two weeks thereafter.

The findings if any recorded hereinabove are confined to the present case only and the same would not be available to any of the parties in any collateral proceedings pending in the civil Court.

July 27, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No