

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

**LPA-857-2021(O&M)
Decided on: 25.05.2022**

Roshan Lal

.....Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sandeep Singal, Advocate
for the appellant.

Ms. Rajni Gupta, Advocate
for respondents No.1 to 3

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order passed by the learned Single Judge on 19.08.2020, dismissing the writ petition preferred by the appellant, wherein, he had assailed the order passed by the Permanent Lok Adalat for Public Utility Services, Rohtak dated 22.01.2020 (Annexure P-5) dismissing his claim for issuance of an Electricity connection on the ground that the applicant had concealed the fact which amounts to abuse of process of law.

It is the contention of learned counsel for the appellant that despite the appellant being no more in service of the Rohtak Khadi Ashram but since he is occupying the premises which was allotted to him while he was in service with the Khadi Ashram and now because his services have been discontinued, that does not mean that the appellant would not be entitled to any electricity connection nor can he be said to be not a consumer of electricity.

This, the counsel submits in the light of the provisions as contained in Section 43 of the Electricity Act, 2003, which entitles a person, who is in occupation of the premises, to supply of electricity. Since the appellant is occupying the premises, may be unauthorizedly, still he is entitled to the electricity connection as also the supply of the electricity. He, thus, contends that the impugned order passed by the Permanent Lok Adalat as also the learned Single Judge, cannot sustain and deserves to be set aside.

We have considered the submissions made by the learned counsel for the appellant but do not find ourselves in agreement with the said aspect and contentions as have been raised.

The first aspect which needs to be looked into is whether the appellant would be a consumer in light of Section 2(15) of the 2003 Act. The said provision deals and defines consumer, which means any person who is supplied with electricity for his own use by a licensee or a Government or by any other person engaged in the business of supplying electricity to the public under the said Act or any other law for the time being in force. This includes any person whose premises are for the time being connected for the purposes of receiving electricity with the works of the licensee of the Government or other person as the case may be.

Counsel for the appellant had tried to bring the appellant within the ambit of the term 'such other person' 'as the case may be'. This reliance by the counsel for the appellant is misplaced as it deals with a person who is the owner and occupant of the said premises authorizedly and an unauthorized occupant in any case, would not be entitled to such a benefit. Meaning thereby that merely because he is occupying the premises would not entitle him for electricity connection. Electricity connection can only be

given to a person who is holding a premises for a particular purpose for which it has been assigned and granted to him by the owner or authorised person.

In the present case, the appellant, admittedly, was an employee of Rohtak Khadi Ashram and as of now, he has ceased to be an employee thereof. Counsel very fairly informs the Court that there are civil and disputes under the Industrial Disputes Act, pending between the parties and also informs the Court that there is no interim injunction/order in his favour, which would entitle him to continue in the premises in question. It has also not been disputed that the appellant, as of now, is holding the premises without any authority but has insisted that unless he is evicted from the premises, he continues to be an occupier of the premises, in accordance with law.

These pleas as have been raised by the counsel for the appellant is unacceptable in law, specially, when a person has approached this Court for claiming an equitable relief. A person whose *bona fides* and his status as is apparent to be an illegal occupant of the premises, cannot be granted an equitable relief and, therefore, we refrain from interfering in the present appeal and uphold the order passed by the learned Single Judge.

The present appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

25.05.2022

(SANDEEP MOUDGIL)
JUDGE

ps-I

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No