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

CWP No.24575 of 2021(O&M)
Date of Decision: 06.05.2022

M/s Mittal Knitwears

-Petitioner

Versus

Punjab Power Corporation Limited and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Shivya Sehgal, Advocate
for the petitioner.

None for the respondents.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari, quashing the order dated 10.11.2021 passed by respondent No.2, vide which the application filed by the petitioner for commercial electricity connection under MS category has been declined even after passing of order of installation and deposits made by the petitioner towards total payment.

Learned counsel for the petitioner submits that new connection fee and additional amount totalling Rs.3,15,358/- have already been deposited by the petitioner. The impugned order came to be passed even after passing of order of

installation by respondent No.2. The impugned order has been passed primarily on the ground that there is one more electricity connection in SP category operating in the same premises bearing account No.32002884429 in the name of M/s Kasam India, which is being used by M/s M.M. Creation i.e. the tenant operating in the portion of the premises bearing No.67, Mahavir Jain Colony. Learned counsel further submits that there is a big piece of land, which has been duly apportioned appropriately so as to run different business concern. The portion of the premises, which is being used by M/s M.M. Creation is a separate piece of land though owned by the petitioner, but the petitioner and the said concern have different GST numbers and are transacting different business. Petitioner has already purchased number of machines and applied for new commercial electricity connection under MS category. Petitioner has specifically pleaded all these facts in the pleadings of the petition, to which, there is no denial as on date despite appearance of learned counsel for the respondents.

Learned counsel further relies upon Regulation 6.5 of the Electricity Supply Code and Related Matters Regulations, 2014 as amended from time to time. According to the aforesaid regulation, a consumer shall be treated as a distinct entity and deemed to be an independent establishment if it is a separate

unit in duly partitioned premises owned and taken on lease.

In the instant case, establishment of the petitioner as well as that of M/s M.M. Creation in the name of M/s Kasam India are two distinct entities operating in different fields having different GST numbers. There is no denial to the aforesaid pleaded case as well as to the arguments raised by the learned counsel for the petitioner.

In view of unrebutted status of the case, I deem it appropriate to accept this writ petition. Impugned order is hereby set aside. Petitioner is held entitled to commercial electricity connection under MS category. Since the order of installation has already been passed and the requisite amount has also been deposited by the petitioner, therefore, I deem it appropriate to direct respondent No.2 to do the needful at the earliest. If some more amount is required to be paid by the petitioner, the same shall also be deposited by the petitioner in accordance with law.

06.05.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No