

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

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**CWP-30007-2019 (O&M).
Date of decision: 20.09.2022.**

Dakshin Haryana Bijli Vitran Nigam and others

...Petitioners

Versus

Satya Narain and another

...Respondents

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

Present: Mr. R.S. Longia, Advocate for the petitioner.

None for respondent No.1.

VINOD S. BHARDWAJ. J.

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking quashing of the impugned order dated 19.03.2019 (Annexure P-13) passed by respondent No.2 -Permanent Lok Adalat (Public Utility Services), Rewari, whereby an application filed under Section 22 (C) of the Legal Services Authority Act, 1987, by respondent No.1 had been allowed and the petitioner distribution licensee was directed to release the electricity connection to respondent No.1 subject to deposit of estimated cost, if any.

Learned counsel appearing on behalf of the petitioner contends that where the tubewell connection was being sought fell within

the dark zone. He further contends that the notification whereby the release of tubewell connection in the dark zone was prohibited stands superseded by sale circular No.D-36 of 2021 and by implication of which the application filed by the respondent No.1 stands revived. He contends that in the event of respondent No.1 fulfilling the terms and conditions stipulated in the aforesaid sale circular, the electricity connection shall be released within the time frame as prescribed in the Statute.

Even though, respondent No.1 has been duly served, however, there is no representation on behalf of the said respondent. Accordingly, respondent No.1 is proceeded against ex parte.

Learned counsel appearing on behalf of the petitioner contends that the award so passed by the Respondent No.2 - Permanent Lok Adalat (Public Utility Services), Rewari, is per se illegal inasmuch as, Permanent Lok Adalat (Public Utility Services), had no authority to disregard the notification that had already been issued declaring the area where the connection had been sought as a dark zone and once the said notification was duly enforceable, there was no occasion for the respondent No.2 - Permanent Lok Adalat (Public Utility Services), Rewari, to issue direction to release the connection dehors the said notification. He, however, contends that distribution licensee is now in a position to release the tubewell connection on the application so submitted by respondent No.1 subject to his fulfilling the terms and conditions as per sale circular No.D-36 of 2021.

I have heard the learned counsel for the petitioner.

Taking into consideration the fact that the award passed by the respondent No.2 - Permanent Lok Adalat (Public Utility Services), Rewari, does not deal with the issue of the notification in the dark zone and its effect thereon renders the said award liable to be modified.

It will not lie within the purview of the Permanent Lok Adalat (Public Utility Services) to comment upon the statutory enforcement of any such notification that had been issued by the competent authority and to pass an order disregarding such notification issued by the competent authority.

Taking into consideration the statement made today by the learned counsel appearing on behalf of the petitioner and also the sale circular No.D-36 of 2021 issued by the petitioner distribution licensee, the order dated 19.03.2019 (Annexure P-13) passed by respondent No.2 -Permanent Lok Adalat (Public Utility Services), Rewari, is modified and it is directed that in the event of respondent No.1 fulfilling all the terms and conditions as per the sale circular No.D36 of 2021, and complying with the requirements of the statute, the electricity connection shall be released in favour of respondent No.1 within a period of 30 days of said compliance.

With the aforesaid modification, the present petition is disposed of.

September 20, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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