

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

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**CWP-2994-2023
Date of decision: 14.02.2023**

REETI SAINI AND ANOTHER

.....Petitioners

VERSUS

PUNJAB STATE POWER CORPORATION LTD AND OTHERS

.....Respondents

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

Present:- Mr. Jaspal Singh Maanipur, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed under Article 226 of the Constitution of India for seeking quashing of the order dated 22.01.2023 (Annexure P-6 and P-7) whereby the domestic electricity connection to the petitioner was withheld.

Learned counsel appearing on behalf of the petitioners contends that the petitioners had submitted an application for release of domestic connection to their plot No.251 (admeasuring 138.76 square yards) and 252 (admeasuring 138.76 square yards) registered vide sale deed dated 12.09.2019 and 08.08.2019 respectively. Construction had been duly raised after getting the necessary sanctions from the competent authority vide letter dated 25.01.2021 and 05.04.2021 respectively.

Counsel for the petitioners contends that the temporary electricity connection for raising construction had also been released in favour of the petitioner No.1-Reeti Saini. Upon completion of the construction, she had applied for release of a regular domestic connection for the aforesaid premises vide application No. 24843 and 24801. However, the respondents are not releasing the connection in favour of the petitioners upon an erroneous interpretation of Circular No. 740 dated 16.06.2022 (Annexure P-8). He submits that the aforesaid circular is not applicable to the property in question as it relates to certain other properties that have been mentioned as thereunder and that the project of the petitioner is not following within those townships which are covered by the aforesaid circular and the electricity connection ought to have been released. He further submits that various electricity connections in the same locality have already been released by the respondent themselves which shows that the local distribution system is already complete in the said locality. He contends that he has already submitted a representation to the higher authorities pointing out the aforesaid error. It is however not disputed by him that the Electricity Act, 2003 scheme already provides for an efficacious alternative remedy of an Electricity Ombudsman under Section 42 (7) and Consumer Grievance Redressal Forum under Section 42 (5) of the Electricity Act, 2003.

The Punjab State Electricity Regulatory Commission has also notified the Punjab State Electricity and Regulatory Commission (Forum & Ombudsman) Regulations which provide for detailed mechanism for adjudication of disputes. The grievance for release of New Connection is within the scope of such authorities.

There are other additional remedies provided under other statutes as well.

It is well settled position in law that even though availability of an alternative remedy may not be a bar to writ jurisdiction but ordinarily a person must take recourse to statutory remedies. No such exceptional circumstances exist which necessitate the examination of the dispute in writ jurisdiction alone.

Since the grievance espoused by the petitioner can be validly be looked into by the statutory grievance redressal forum, it would not be appropriate for this Court to direct the higher officers in the hierarchy to look into the grievance despite grievance redressal forum having been provided for under the Act itself.

Learned Counsel for the petitioner thus does not press the petition at this stage so as to take recourse to their remedies in accordance with law.

The present petition is accordingly disposed of as not pressed at this stage with liberty to the petitioner to take recourse to his alternative remedy available to him in accordance with the statute or as advised.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 14, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No