

RSA-786-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA-786-2020 (O&M)
Decided on : 16.08.2023

State of Haryana through its Collector,
Kaithal and anr.

. . . Appellant(s)

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and ors.

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Yuvraj Shandilya, AAG, Haryana
for the appellant(s).

Mr. Anil Chawla, Advocate
for respondent No.1.

SANJAY VASHISTH, J. (Oral)

CM-2435-C-2020

- i. Prayer in this civil miscellaneous application is for condoning the delay of 452 days in filing the present appeal.
- ii. Notice of this application was issued.
- iii. As per office note, notice could not be issued to the non-applicants, on account of non-filing of process fee by the applicants/appellants (State). However, non-applicants/respondents No.1 & 2 are well represented before this Court through counsel.
- iv. Considering the aspect that the issue involved in the present appeal, is being dealt with by this Court in following paras, therefore, I do not find any ground for affecting of service upon the remaining non-applicant/respondent No.3 i.e. plaintiff itself.
- v. Therefore, the application filed with the memo of appeal for seeking condonation of delay of 452 days in filing the appeal stands

disposed of without making any observation over there.

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1. Present Regular Second Appeal (RSA), has been filed by the State of Haryana against the judgment and decree dated 16.08.2018, passed by the learned First Appellate Court, arising from the Civil Suit No. RBT 323 of 2015 (09.04.2011/02.01.2015).
2. In fact, District Bar Association, Kaithal (respondent No.3 herein) instituted a suit for seeking mandatory injunction and permanent injunction, seeking direction to defendants No.1 & 2 (State of Haryana), to pay the bills of the three electricity connections i.e. Bar Room, Litigant Shed, and Bar Library, and to clear the arrears up to date, and also to pay the bills for the said connections in future as well.

It was also sought that a decree of permanent injunction be passed, restraining defendants No.2 & 3 i.e. Collector, Kaithal and Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL), to not to disconnect the electricity supply to the said connections and the premises in the future also. Details of the electricity connections/account numbers, its installations and the arrears as detailed in paragraph No.8 of the impugned judgment passed by the learned First Appellate Court, are as follows:-

Electricity/ A/c No.	Installed at	Arrears (in ₹)
G'/1915	Bar-room	1,24,116/-
KA 24/1916 X-E	Canteen	88,385/-
KA 24/1917 A-P	Litigant Hall	1,62,542/-

3. Learned Trial Court partly decreed the suit, in regard to the payment of litigant shed, however, rest of the prayers made in the suit by the plaintiff (respondent No.3), were not accepted.

4. Consequently, UHBVNL (i.e. respondents No.1 & 2 in the present appeal) filed Civil Appeal No. RBT: 125 of 2017 (20.02.2016/24.08.2017). Besides this, Cross Objections No. RBT:127 of 2017 (06.08.2016/24.08.2017), were also filed by the District Bar Association, Kaithal (plaintiff in the suit). Thereafter, vide judgment & decree dated 16.08.2018, learned First Appellate Court took up the matter and decided all the three claims made by the plaintiffs in their favour.

5. While considering the issue, already dealt with by this Court in the matter of **Punjab and Haryana High Court Bar Association**, as well as, **Bar Association Zira**, learned First Appellate Court, accepted the cross-objections filed by the plaintiff-Association (respondent No.3 herein), and dismissed the appeal filed by the UHBVNL. In paragraph Nos. 22 to 26, following observations were made:-

“22. *But after careful appraisal and comprehension of the dispute involved in this case, this Court fears that the learned lower Court failed to taken into consideration, the ratio of latest Judicial pronouncements and fell into error by deciding the issues No. 1 & 2, on the basis of mere administrative directions, which were more of a stop-gap arrangement. Identical matter came for adjudication, before our Hon’ble High Court in **Punjab and Haryana High Court Bar Association and Another Vs. Union of India Vol. CXL VII – (2007-3) The Punjab Law Reporter 565**, wherein it was held by the Hon’ble High Court that :*

“In view of the above detailed discussions, it is concluded and issued the directions, the Bar Rooms, Bar Library, office of the Bar Association and Bar Lounge are part and parcel of the High Court and therefore, their water and electricity charges should be borne by the High Court as had been done in the past. Therefore, the electricity and water bills which are

unpaid would also be paid by the High Court ; The water and electricity charges of such premises which are leased out by the Bar Association for commercial purposes with the permission of Hon'ble the Chief Justice have to be borne by the Bar Association."

*When same jeopardy was faced by the District Bar Association, Zira (District Ferozepur), then a Writ Petition was filed by the Association, vide No. 3717 of 2016, titled as **Bar Association Zira Vs. State of Punjab and others 2017(3) The Punjab Law Reporter 785**, wherein also , while relying upon the decision of Punjab and Haryana Bar Association's case (supra), our Hon'ble High Court has departed with a solemn verdict that :*

"8. Consequently, the present writ petition is hereby allowed and direction is issued to the respondents to bear electricity charges themselves, instead of asking the petitioner and get their electricity connection restored forthwith on presentation of a certified copy of this order by the Bar Association."

23. *So, going by the verdict of our Hon'ble High Court on the judicial side, as detailed just above, it is the responsibility of the State, to bear the expenses of the electricity charges for the electricity consumed at Bar-room also, alike that of the Litigant-Hall.*

24. *In the present case, when the possession of the canteen-block has also remained with the District Administration and despite its efforts for several years, the canteen-block could not be leased out for commercial purpose, then the liability to pay the bill for consumption of electricity at that portion of the Judicial Courts Campus, Kaithal cannot be levied on the District Bar Association. However, the electricity connection at that block has already been disconnected. In case, the District Administration ever inclines to lease out that portion for commercial purpose, it may deposit the arrears of electricity connection No. KA*

24/1916 and get the electricity connection re-installed. However, the State is held liable to get cleared the arrears of electricity bill for the electricity connection No. G1/1915 , along with that of the Litigant shed i.e. bearing No. KA 24/1917 A-P (if lying unpaid) , within a period of two months from the date of this Order.

25. *In view of whole of the above discussion, the findings recorded by the learned lower Court over the issues No. 1 & 2, are modified to the above extent. The findings on the remaining issues, do not invite any interference.*

26. *In view of whole of the above discussion, the appeal filed by the UHBVN and the cross-objections filed by the respondent No.1-plaintiff (i.e. District Bar Association, Kaithal) are allowed to the above extent and modification and the suit of the plaintiff is decreed accordingly. There is no order as to costs. A copy of this Judgment be also placed in the file of cross-objections.”*

6. Thus, it has been specifically held by this Court (Punjab and Haryana High Court) that all the four heads i.e. Bar Room, Bar Library, Office of Bar Association, and Bar Lounge, are the integral part of the High Court, and therefore, their water & electricity expenses should be borne by the High Court.

7. To the view point of this Court also, findings given by the learned First Appellate Court, is already in the tune of the observations, made by the High Court. Thus, this Court does not find any irregularity, illegality or perversity, in the impugned judgments & decrees, whereby, the obligation of the State Government, has been considered for the issue raised in the present appeal. Thus, while maintaining the impugned judgments & decrees passed by the learned Courts below, present appeal stands **dismissed**.

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Besides this, no question of law, much less, any substantial question of law arises for consideration in the present appeal for interference in the impugned judgments & decrees passed by the learned Courts below.

Pending civil miscellaneous application(s), if any, also stands disposed of.

A copy of this order forwarded to the District Bar Association, Kaithal also.

(SANJAY VASHISTH)
JUDGE

August 16, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*