

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-13512-2019 (O&M).
Date of Decision: 25.09.2023.

SUNITA

... Petitioner

Versus

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND OTHERS

... Respondents

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

Present: Mr .Shailendra Sharma, Advocate,
for the petitioner.

Mr. Arviind Seth, Advocate,
for respondents No.1 to 3/DHBVN.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present writ petition is for seeking issuance of directions to the respondents to grant Domestic Electricity Connection to the petitioner at House No.743/23, Laxmi Garden, Khandsa Road, Gurugram, the possession whereof has been handed over to the petitioner

under orders of the Court in proceedings under the Protection of Women from Domestic Violence Act, 2005.

Learned counsel appearing on behalf of the petitioner contends that the petitioner has been put in possession of the aforesaid house by virtue of an order passed by the Court under the provisions of the Protection of Women from Domestic Violence Act, 2005. However, since the husband did not pay the arrears of the electricity, hence, the electricity supply was disconnected. She moved an application for seeking release of a new electricity connection, however, the respondents have not released the same on account of pending arrears of electricity. He submits that the outstanding amount may be directed to be deposited in the installments as the petitioner is not in the capacity to pay the outstanding amount in one-go and that the petitioner would be satisfied in case the arrears are directed to be deposited in five equal installments. The petitioner shall clear the said dues and would also continue to clear the current energy consumption charges/bills raised by the respondent/distribution licensee.

Learned counsel for the respondents, on the other hand, contends that the electricity supply could not be restored to the above said premises on account of the pending arrears and that applicant is required to clear the outstanding arrears against the premises in case he/she desires to have a new electricity connection in terms of Regulation 4 of the Electricity Supply Code as also condition No.9 (c) mentioned in the A&A Form submitted by the petitioner which is duly signed by her as well. He contends that the requirement being statutory, it would not be possible for the respondent distribution licensee to release the new electricity connection notwithstanding the arrears pending against the said premises.

A further objection is taken by the respondent counsel that the petitioner is not the owner of the house and no document in this regard has also been provided.

I have heard the learned counsel appearing on behalf of the parties and have gone through the documents appended along with the present petition.

In so far as the question of release of a new electricity connection to the applicant is concerned, the same is no more the requirement under the provisions of the Electricity Act, 2003 and that occupation is the expression used by the Legislature. A decision in this regard has already been given by this Court in the matter of **Mobin Ansari Vs Punjab State Power Corporation Ltd. and Ors. bearing CWP No.13439 of 2022 decided on 23.08.2022**, delineating that the proof of ownership is not a pre-requisite for release of electricity connection and that if a person is in lawful occupation of any premises, he would be entitled under the Electricity Act, 2003 for release of the electricity connection.

Further while considering the peculiar circumstances of this case and noticing that the petitioner is a destitute who has fallen away from her husband, I deem it appropriate in exercise of equitable jurisdiction under Article 226 of the Constitution of India to equate the arrears in five installments. The petitioner shall furnish an affidavit to clear the arrears in five equated installments and that the equated amount may be added with the current energy bill as arrears of the energy consumption charges. Subject to furnishing of aforesaid undertaking and on payment of regular energy consumption charges along with the equated installments as well as

other applicable statutory charges, electricity connection shall be released to the petitioner.

The petition is disposed of accordingly.

September 25, 2023
raj arora

(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No