

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102+218

CM-10847-CWP-2023 in/and
CWP-31032-2018

Date of decision: 13.07.2023

OM PARKASH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.2 to 5.

Mr. Pritam Saini, Advocate
for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (Oral)

CM-10847-CWP-2023

The instant application has been filed under Order XXII
Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 for
bringing on record the legal representative of petitioner.

Application is allowed as prayed for subject to all just
exceptions for the purpose of pursuing the present petition only.

CWP-31032-2018

The instant petition has been filed under Articles 226/227
of the Constitution of India for issuance of a writ in the nature of
Mandamus directing the respondents to restore the electricity tube-well

connection A/c MI53-2589 for which the dues had been cleared by the petitioner on 30.12.2015.

In the written statement filed on behalf of the respondents on 04.12.2019, it was specifically stated that there is a concealment of material facts by the petitioner. An application under Section 22 (C) of the Legal Services Authorities Act, 1987 had been filed by him before the Permanent Lok Adalat (Public Utility Services), Bhiwani. The said application was dismissed vide award dated 04.10.2016 and that notwithstanding the above, the present writ petition has been filed especially when the lis between the parties had become final and the award passed by the Permanent Lok Adalat (Public Utility Services), Bhiwani had not been challenged.

A copy of the said award had been attached alongwith above said reply wherein the Permanent Lok Adalat (Public Utility Services), Bhiwani had dismissed the application preferred by the petitioner on the ground that a re-connection of the permanently disconnected tube well connection could have been sought for within the time span prescribed under the applicable sale circular/regulations. Once the application for re-connection is not preferred within the specified time complying the regulations, there can be no re-connection and a fresh electricity connection has to be applied for.

Even though, the petitioner made an attempt to defend the above said non-disclosure on the ground that the predecessor of the petitioner was suffering from Cancer and had passed away in the year 2019, however, the same by itself cannot be the ground to condone a

mis-declaration by the petitioner and non-disclosure of the necessary facts especially when the lis amongst the parties had already been decided and has attained finality. Moreover, the application was dismissed vide award dated 04.10.2016 & writ petition was filed in December, 2018 after a period of more than 02 years.

The present petition is apparently an attempt at forum shopping and a writ petition has been filed without impugning the said award and without even disclosing the existence of the same. Ordinarily this Court, would have imposed heavy cost for such non-disclosure, however, on insistence of the counsel for the petitioner, this Court refrains from imposition of cost.

The present petition is dismissed.

(VINOD S. BHARDWAJ)

JUDGE

JULY 13, 2023

Vishal sharma

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