

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

117

CWP-27492-2023 (O&M).
Date of Decision: 07.12.2023.

RAM KUMAR

... Petitioner

Versus

UTTAR HARYANA BIJLI VITRAN NIGAM AND OTHERS

... Respondents

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

Present: Mr. Rajender Singh Malik, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for seeking quashing of the impugned letter dated 18.09.2023 (Annexure P-16) vide which the application for release of electricity connection for residential purpose has been rejected.

Learned counsel appearing for the petitioner contends the petitioner is a permanent resident of House No.24/808, Dev Nagar, Sonapat, District Sonapat, measuring 112 sq. yards and is residing therein for the last 40 years. The petitioners are three brothers namely Om Parkash, Jai Parkash and Ram Kumar (petitioner herein). By virtue of a family settlement, a partition took place between the brothers which was reduced into writing and was attested by the Notary. As per the family settlement, out of the three houses, House No.24/808 fell to the share of the petitioner while other

brothers are living in separate houses in the same vicinity. A copy of the family settlement has been appended along with the present petition as Annexure P-1.

Learned counsel for the petitioner further contends that the Voter I.D. Card, Ration Card and family I.D. Card of the petitioner are all at the same address which establishes his continuous occupation and possession of the said site. Further, the possession of the petitioner of the said house is not disputed. However, as the earlier electricity connection was in the name of his brother Om Parkash which was never objected to by him during his life time has now been removed on the application submitted by the LRs of deceased Om Parkash. The petitioner submitted an application for release of electricity connection, however, the same was declined by the respondent Electricity Department for the reason that the petitioner was required to upload a self affidavit and also to submit a Registry in the name of the petitioner.

Notice of motion.

Mr. Vivek Saini, Advocate, enters appearance and accepts notice on behalf of the respondents/UHBVN. He submits that the mandate of the Electricity Act, 2003, entitling a person in lawful occupation of the premises to seek electricity connection has already been ruled by this Court in the matter of **Mobin Ansari Vs. Punjab State Power Corporation Limited and others, CWP No.13439 of 2022 decided on 23.08.2022.**

The self-affidavit and other requirements/procedural formalities required to be fulfilled are nonetheless required to be fulfilled by the petitioner. Further, Section 42 (5) of the Electricity Act, 2005, stipulates

redressal of such grievances before the Consumer Grievances Redressal Forum. The Consumer Grievances Redressal Forum as well as Ombudsman Regulations, 2019, specifically empowers the Consumer Grievances Redressal Forum to grant interim relief in the event of any such application having been moved. Hence, the petitioner has an efficacious alternative remedy.

Faced with the above, learned counsel appearing for the petitioner does not press the instant petition so as to move an appropriate application before the Consumer Grievances Redressal Forum against the above said grievance.

Needless to mention that in the event of the petitioner approaching the Consumer Grievances Redressal Forum with the above said grievance and the application for interim relief, the same shall be decided expeditiously and the application itself shall be decided within a period of 03 months of submission of the same.

Disposed of as withdrawn with liberty as aforesaid.

December 07, 2023
raj arora

(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No