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

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**CWP-1491-2022 (O&M).
Date of Decision: 16.12.2024.**

THE VENKATESHWAR SCHOOL

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Pankaj Maini, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Puneet Jindal, Sr. Advocate, with
Ms. Navroop Jawanda, Advocate,
for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the orders dated
05.09.2019 and 11.09.2019 (Annexures P-6 and P-8) as well as the orders
dated 24.01.2020 and 12.02.2020 (Annexure P-10 and P-11).

While the impugned notices Annexure P-10 and P-11 pertain to
the banning of the use of the generators whereas (Annexures P-6 and P-8)
are the orders for updation of the grievance status on the CM Portal.

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Learned counsel for the petitioner contends that the petitioner purchased a school site in a colony being developed by the Developer and that the electricity connection to the same was not being released. The complaints submitted on the CM portal were replied to and ordered to be filed and that the meeting of requirement of the electricity through the Generator set was being stalled on account of imposition of ban.

Learned Senior counsel appearing on behalf of the respondents-Distribution Licensee, however, contends that the said controversy was also raised before the Haryana Electricity Regulatory Commission vide petition No.55 of 2021. The builder was respondent No.2 in the said petition and a public notice for intimation to all concerned /aggrieved persons was also published. Eventually, after granting an opportunity of hearing to all the parties, the Haryana Electricity Regulatory Commission disposed of the said petition by issuing a specific direction to the Distribution Licensee as per which a decision had been taken that the electricity connection may be released by the Distribution Licensee to the building-Sushant Lok Extension II in the event of the consumer depositing the amount of Rs.13.05 per KW.

It is contended that the neither the builder has been impleaded in the present petition as a party nor the petitioner has challenged the orders passed by the appropriate Commission viz the Haryana Electricity Regulatory Commission.

Learned counsel for the petitioner contends that the said order passed by the appropriate Commission was not in the spirit of the Rules and

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Regulations, however, he is not in a position to controvert that in the absence of challenge to the order of the appropriate Commission, the contention that the said order is bad and liable to be set aside, cannot be gone into.

Faced with the above, counsel for the petitioner seeks withdrawal of the present writ petition so as to file an appropriate petition, if so advised, by challenging the order of the Haryana Electricity Regulatory Commission passed in petition No.55 of 2021.

Disposed of as withdrawn accordingly with liberty as aforesaid.

December 16, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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