



CR-6815-2018

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(224)

CR-6815-2018

Date of decision:- 05.11.2024

M/s Surgicrafts through its proprietor Anil Kumar Anand (now deceased) through Lrs – Neelam Anand and others

... Petitioner

Versus

**Haryana Vidyut Prasaran Nigam Limited, Shakti Bhawan, Sector – 6,
Panchkula (earlier Haryana State Electricity Board) through its
Executive Engineer (S&D), HVPNL, Dhulkot, District Ambala**

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjay Jain, Advocate
for the petitioner.

Mr. Gaurav Jindal, Advocate
for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant revision petition, petitioner has approached this Court under Article 227 of the Constitution of India for setting aside impugned order dated 18.09.2018, Annexure P-1, passed by the learned Additional Civil Judge, Senior Division, Ambala.

2. Brief facts leading to the filing of the revision petition are that the petitioner was awarded a contract for supply of cotton tape and an agreement was entered into between the parties. Some disputes arose between them, which were referred to an Arbitrator and culminated in

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passing of an award dated 08.11.2002, Annexure P-4, under the Arbitration Act, 1940 against the petitioner. The award was made rule of the Court by the learned Civil Judge vide judgment dated 03.09.2009 and appeal, preferred by the petitioner, was dismissed on 17.11.2012. Respondent filed an execution petition and vide order impugned herein, an objection raised by the petitioner was rejected.

3. While making a reference to the notification dated 01.07.1999, Annexure P-6, counsel for the petitioner submits that the Haryana State Electricity Board (HSEB) was bifurcated into different departments and the successor of the Chief Engineer, Workshop, Dhulkot is the Uttar Haryana Vidyut Prasaran Nigam Ltd. (UHVPNL) and not the respondent-Haryana Vidyut Prasaran Nigam Limited (HVPN). He submits that the execution petition filed by HVPN is not maintainable.

4. *Per contra*, learned counsel for the respondent submits that office of the Chief Engineer, Workshop, Dhulkot, was transferred to the present respondent and the execution petition filed by it, is maintainable. Still further, by making a reference to order dated 05.12.2022 passed by the Executing Court, he submits that the petitioner has paid an amount of Rs.8,95,843/- to the decree holder-respondent by way of a cheque, which was encashed and the execution petition was dismissed as having been satisfied. He submits that the deposit of the decretal amount was made subject to the decision of the instant revision petition.

5. I have heard counsel for the parties and considered their respective submission.

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6. Upon coming into force of the Haryana Electricity Reforms Act, 1997, erstwhile HSEB was unbundled. The Haryana Vidyut Prasaran Nigam (HVPN) and the Haryana Power Generation Corporation (HPGC) came into existence on 14.08.1998. HVPN has two subsidiaries, namely, UHBVN and DHBVN, which came into being on 15.03.1999, i.e., the date of incorporation. DHBVN received the certificate of commencement of business on 01.04.1999 and UHBVN commenced its operations in July, 1999. Simultaneously, an independent regulatory body, i.e., Haryana State Electricity Regulatory Commission was constituted to assist and advise the State Government on the development of power sector and take appropriate measures to balance the interest of various stake holders. The assets of HVPN were transferred to DHBVN and UHBVN vide notification dated 01.07.1999, Annexure P-6.

7. The Haryana Electricity Reform (Transfer of Distribution Undertakings from Haryana Vidyut Prasaran Nigam Limited to Distribution Companies) Scheme, 1999 (for short “the Transfer Scheme”) is appendix-I to the notification dated 01.07.1999, Annexure P-6. Clause 6 of the Transfer Scheme provides that on completion of the transfer, the distribution companies, i.e., DHBVN and UHBVNL shall replace HVPN in all respects with regard to all contracts, deals, schemes, bonds, agreements and other instruments of whatever nature. Schedule “D” to the Transfer Scheme mentions the details of the personnel retained by HVPN. The office of Chief Engineer, Workshop, Dhulkot and some of its subordinate staff are listed at Sr. Nos.14 and 15, respectively, which are reproduced hereunder:-



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*“14. Office of CE - Workshop, Dhulkote
15. Office of SE-Workshop, Dhulkote and only the following subordinate offices:
(a) Office of Xen - Transformer and Switchgear Division, Faridabad along with the Power Transformer Repair Workshop, Ballabgarh only and including the attached Security personnel
(b) Office of Xen - Steel Structure Workshop, Panipat including the attached Security personnel
(c) Office of AEE - Switchgear Workshop, Dhulkote including the attached Security personnel (earlier attached with the General Workshop, Dhulkote).”*

8. It is, therefore, evident from the above that the office of the Chief Engineer (Workshop), Superintending Engineer (Workshop) as well as some of the supporting staff have been retained by the HVPNL. As the offices, which awarded the contract to the petitioner and pursued the arbitral proceedings, have been vested in the HVPNL, the execution petition filed by the HVPNL is maintainable. The argument raised by the counsel for the petitioner is, therefore, unfounded and is rejected.

9. Petition is bereft of merit and is hereby dismissed.

10. Pending application, if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

05.11.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No