

2024:PHHC:091974-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(116)

LPA-1654-2024 (O&M)

Decided on : 22.07.2024

Chairman, Punjab State Power Corporation Ltd. & othersAppellant(s)

Versus

Chairman, Permanent Lok Adalat, Mansa & anotherRespondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Ms.Monika Jalota, Advocate for the appellant (s).

G.S. Sandhawalia, J.(Oral)

1. Consideration in the present appeal is to the judgment dated 15.04.2024 passed in CWP-5637-2024 whereby the award dated 09.11.2023 passed by the Permanent Lok Adalat (Public Utility Services), Mansa, was upheld.

2. The grouse of the appellant which was also the defence before the Learned Single Judge is that there was a policy decision that only the Freedom Fighters have to be given the electricity connection. The Learned Single Judge had noticed that it was admitted case that the recommendation to release the connection had been given by the Chairman of the Corporation under the Chairman's Discretionary Quota but on account of the Code of Conduct coming into force, the same could not be implemented. The Learned Single Judge, therefore, did not interfere in the order impugned dated 09.11.2023, passed by the Permanent Lok Adalat.

3. We have perused the paperbook. A perusal of the legal notice (Annexure P-8) which was served by the private-respondent to the Corporation would show that he had been allotted a agricultural power connection by the Chairman under the discretionary quota and he had resultantly deposited

Rs.22,000/- on 23.02.2016 whereas it is the contention of counsel for the appellant that it was deposited in December, 2016. The contention made in the legal notice was that he was suffering heavy losses as there was no source of water in Village Dalelwala and the electricity connection was, therefore, required.

4. The reply by the appellant was that the deposit was on 23.12.2016 and 15 days time was fixed from the issuance of the demand letter for electricity supply of 11 KV connection. Since on 04.01.2017, the Code of Conduct for the Vidhan Sabha came into force, the demand letter could not be issued. Subsequently, on 13.04.2018, the demand of all other categories except the Freedom Fighter Category for agricultural purposes had been issued and therefore, objection was raised.

5. We are of the considered opinion that only on account of exigency of the forthcoming elections and the Code of Conduct coming into force, the landowner could not be denied his entitlement as he had a vested right on the basis of recommendation made by the Chairman of the Corporation which is the highest level of authority. Rather, the authorities were supposed to comply with the said recommendation rather than indulging in this baseless litigation.

6. Accordingly, in view of the above discussion, the present appeal is hereby dismissed. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)

JUDGE

22.07.2024

Sailesh

(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned :

Whether Reportable :

Yes

No