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

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**CWP-17728-2024 (O&M).
Date of Decision: 05.08.2024.**

ANSHULA GOYAL

... Petitioner

Versus

**PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS**

... Respondents

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

Present: Mr. Santosh Sharma, Advocate, for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition was for seeking issuance of directions to respondents to decide the representation dated 06.09.2023 (Annexure P-6) submitted by the petitioner.

Learned counsel for the petitioner contends that the petitioner is a consumer of the respondent Distribution Licensee/PSPCL against electricity Connection against Account No.3007507149. He purchased the property measuring 20 kanals, as detailed in para no.2 of the writ petition, situated near Bus Stand, Village Tooran, Amloh Road, Mandi Gobindgarh on 19.04.2021 from Union Bank of India, for a consideration of

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Rs.2,80,25,000/- in an E-auction conducted by the said Bank. The sale deed was executed vide Wasika No.283 dated 07.06.2021 registered in the office of the Sub Registrar, Mandi Gobindgarh. Mutation No.1644 with respect to the above said property has also been sanctioned in favour of the petitioner. He contends that the petitioner had applied for installation of 4 KW single phase electricity connection for which the security was deposited and the connection was issued. Subsequently, the petitioner sought extension of the load upto 10 KW from the existing load of 4 KW but despite deposit of the demanded amount, the load was not sanctioned and instead the electricity supply to the premises of the petitioner was disconnected. The respondent-Corporation demanded a sum of Rs.1.68 Crores approximately as dues pending against the property. He submits that the petitioner filed a civil suit for declaration and mandatory injunction against the respondents-PSPCL wherein an ad interim injunction was granted in favour of the petitioner which was finally affirmed by the High Court in Civil Revision No.960 of 2022 vide order dated 21.07.2022. At the same time, a civil suit for recovery of Rs.74.26 Lakhs approximately was also filed by the PSPCL against M/s Shree Vishu Steels i.e. the erstwhile owner of the property that was purchased by the petitioner in an E-auction conducted by the Bank. A decree in favour of the PSPCL had been passed by the Civil Judge (Sr. Divn.) Amloh, vide judgment and decree dated 02.09.2022. The petitioner again moved an application for extension of the load from existing 9.82 KW to 52 KW, however, the same has been rejected by the respondent-PSPCL by assigning a reason “defaulting amount pending at the place of

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connection.” Having left with no other option, the petitioner has approached this Court for enhancement of the load.

Learned counsel for the petitioner fairly concedes that in view of the judgment of the Hon’ble Supreme Court in the matter of **K.C. Ninan Vs. Kerala State Electricity Board and Others, reported as 2023 SCC OnLine SC 663**, the liability to clear the arrears would also fall on the subsequent occupier of the premises. He contends that the respondents may be directed to decide upon the representation of the petitioner and subject to the petitioner depositing the necessary dues they may also take a decision for assigning the rights of recovery from the civil suit decreed in favour of the respondents/PSPCL against the erstwhile owner i.e. M/s Shree Vishnu Steels. He also places reliance upon an order passed by this Court in **CWP-12065-2019 titled as ‘Sukhwinder Singh and another Vs. Punjab State Power Corporation Limited and others’ decided on 05.01.2023**.

Notice of motion.

Mr. Gursimran Singh Bawa, Advocate, enters appearance and files power of attorney on behalf of the respondents/PSPCL. He has no objection to the acceptance of the request to the extent that the representation of the petitioner be decided by the respondent authorities.

Accordingly, the present writ petition is disposed of with a direction to the respondent No.2 to take a decision on the representation submitted by the petitioner for seeking enhancement of the load and subject to his furnishing an undertaking to clear all the outstanding statutory dues and defaulting amount. The request may also be considered with respect to

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the entitlement of the petitioner to seek assignment of the rights of recovery in terms of the judgment and decree passed by the Civil Court in favour of the PSPCL. Let a decision be taken by the respondent No.2 within a period of 03 months of the receipt of certified copy of this order.

August 05, 2024
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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