

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

240

CWP-21105-2021 (O&M)

Date of Decision: 14.02.2024

Sarvjit Lal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. C.S. Jattana, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Ms. Priyanka Goyal, Advocate, for
Ms. Monica Chhibber Sharma, Advocate
for respondent Nos.2 to 6.

VINOD S. BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for seeking direction to respondents No. 3 to 6 to decide the Legal Notice dated 14.09.2021 (Annexure P-5).

2. Learned counsel for the petitioner contends that the petitioner had purchased a constructed house in Gauri Enclave, owned and run by M/s Haider Enclave through its partners. A sale deed dated 16.08.2021 was duly registered in the office of Joint Sub Registrar (West), Ludhiana.

3. After the execution of the sale deed dated 16.08.2021, in his favour, the petitioner approached the Distribution Licencee for release of electricity connection for the said house on 17.08.2021, however, the file in question was not accepted by the respondents. Notwithstanding that the

respondents- Distribution Licencee had already issued electricity connection in other household in the same locality. Consequently, a legal notice was sent by the petitioner to the respondents and as no decision was taken thereupon, the instant petition was filed.

4. Learned counsel for the petitioner contends that he would be satisfied at this juncture, in case the respondents are directed to take a decision on the said legal notice.

5. A written statement had also been filed on behalf of respondent-Distribution Licencee, wherein the plea taken by the respondents was to the effect that on the basis of the application submitted by the petitioner for grant of electricity connection, a clarification was sought by the Distribution Licencee from the Greater Ludhiana Area Development Authority (for short 'GLADA') and it was clarified that as per Regularization Policy, 2018, if an individual submits an application for regularization plot/building, an no objection certificate (for short 'NOC') is issued by the GLADA. It was noticed by the respondents that the petitioner had never applied for regularization of the said plot and no NOC was also obtained.

6. Insofar as the issue of parity is concerned, the respondents have submitted that the petitioner is silent on the fact whether the owners of the said house numbers had obtained NOC/ regularization certificate or not and that as per provisions of the PAPRA (Amendment) Act, 2014, the connection has been rightly declined.

7. Learned counsel for the petitioner further contends that the issue in hand relates to release of electricity connection and such issue cannot be agitated at the outset before this Court since the statutory scheme

of Electricity Act, 2003 provides for efficacious alternative remedies in this regard, including institution of proceedings before the Consumer Grievances Redressal Forum, if so advised.

8. Faced with the above, learned counsel for the petitioner does not press the instant petition at this stage, so as to take recourse to his alternative remedies, as per law, if so advised.
9. Disposed of accordingly.
10. All pending application(s), if any, shall also stand disposed of.

(VINOD S. BHARDWAJ)

JUDGE

14.02.2024

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No