

2024.PHHC.145780



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

112

CWP-28697-2024
Date of Decision: 08.11.2024

**PUNJAB STATE POWER CORPORATION LIMITED,
ZIRAKPUR**

... Petitioner

VERSUS

JOGINDER SINGH AND ANR

... Respondents

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

Present: Mr. Ferry Sofat, Advocate for the petitioner.

Mr. Aditya Sharda, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the impugned Award dated 29.09.2023 passed by Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar (Mohali), the petitioner-PSPCL has approached this Court alleging that the Permanent Lok Adalat has directed to release the electric tubewell connection in favour of respondent No.1-applicant notwithstanding that the documents pertaining to partition of land have not been furnished by the respondent No.1-applicant alongwith the application submitted by him on 07.12.1989.

During the preliminary hearing, a specific query was posed to the counsel for petitioner-PSPCL as to whether the respondent No.1-applicant would have got the electricity connection released in his favour in case he would have submitted the application under general category and not as a case of family partition. Learned counsel for the petitioner-PSPCL, on instructions



from one Parveen Singla, AEE, PSPCL, has apprised this Court that if the respondent No.1-applicant had not applied under the family partition category, the electricity connection would have been released in his favour, since the connections to the applicants till the year 1992 under the general category have already been released.

Under the given circumstances, this Court finds that the arguments advanced by the petitioner-PSPCL is wholly fallacious and is untenable. They cannot deny the electricity connection to a consumer merely on a technical objection, when the connection, with efflux of time, cannot even be labelled as a preferential treatment. The policy for seeking release of an agricultural connection in a case of family partition was only for the purpose of sorting out the immediate difficulties that may have been suffered by a farmer due to land partition and to provide a separate connection for the land that fell in his share, however, since the application has remained pending for a period of nearly 35 years, the said aspect of being treated as a special case has evaporated.

The challenge accordingly is more technical than based upon real understanding of the issue and the controversy before this Court. There is no reason as to why the respondent No.1-applicant should be prejudiced merely because he has applied under a special category as a family partition case; especially when the people who had applied under the general category much later than respondent No.1-applicant have already been released the electricity connection.

Counsel for the petitioner-PSPCL fairly concedes that that the requisite documentation already stands completed and that the respondent No.1-



applicant fulfills the eligibility conditions under the general category for the release of electricity connection. It is also apprised that the case of the petitioner has already been forwarded to the State of Punjab for obtaining necessary approvals since the matter involves the grant of subsidy, for which approval from the Government of Punjab is very much essential.

Although the State of Punjab has not been impleaded as party respondent, however, learned State Counsel undertakes that the necessary approval for release of the electricity connection in favour of respondent No.1-applicant shall be granted by the Competent Authority within a period of four weeks of the receipt of certified copy of this order and the necessary sanction in this regard would be forwarded to the petitioner-PSPCL within a period of one week of grant of such sanction. The requisite electricity connection in favour of the respondent No.1-applicant shall, thereafter, be released by the petitioner-PSPCL in terms of Section 47 of the Electricity Act, 2003 within a further period of 30 days.

The parties shall remain bound by their respective statements made today in Court. Any delay in conclusion of decision-making process on the part of the Competent Authority shall entail costs of Rs.50,000/- to be recovered from such Authority and to be deposited with the High Court Legal Services Committee, Chandigarh.

Ordinarily any modification in an Award passed by the Permanent Lok Adalat necessitates the concerned party to be heard, however, as the principal grievance was on account of delay in release of electricity connection, for which a costs of Rs.1,00,000/- has been imposed by the Permanent Lok



Adalat (Public Utility Services), S.A.S. Nagar (Mohali), I deem it appropriate to partly allow the present petition without issuing a formal notice to respondent No.1-applicant as any such notice would entail further financial burden on him. The costs for mental harassment is reduced to Rs.50,000/-, with liberty to the respondent No.1-applicant to move an application for revival in case the electricity connection is not released within the timelines as undertaken above; and in such an eventuality, the petitioner-PSPCL shall not only be liable to pay the entire awarded amount of Rs.1,00,000/- but it shall also be liable to deposit the additional costs of Rs.50,000/- as imposed by this Court hereinabove today.

Petition stands disposed of being partly allowed in the terms as observed above.

NOVEMBER 08, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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