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

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CWP-37023-2018(O&M)
Date of decision: 13.09.2024

Jatinder Pal

...Petitioner

Versus

Punjab State Power Corporation Ltd. & ors.

...Respondents

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

Present : Mr. Suram Singh Rana, Advocate
for the petitioner.

Mr. Akshay Rawal, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing the respondents to release the sanctioned tubewell connection to the petitioner under the discretionary quota of the Chairman of the respondent-PSPCL.

A written statement was filed by the respondents, wherein it was averred that the petitioner was not eligible for release of the electricity connection since he is owner of property of about 27 acres of land, whereas as per Commercial Circular No.22/2016 dated 22.07.2016 issued by the distribution licensee it is prescribed that the connection under the Chairman's quota shall be given to the applicant having land upto 5 acres. It is further pointed out that the petitioner is at number 16 in the waiting list as per seniority to whom demand notice was to be provided and that the claim of the petitioner cannot be considered in the light of applicable commercial circulars.

However, during the course of hearing, a query was posed to

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the learned counsel for the petitioner as to how a discretionary quota can be upheld in law and as to whether this Court by issuing a direction to release connection in terms of the discretionary quota would be right as the same will tantamount to exercise the powers of discretionary quota and validating the same which such discretionary powers has been held arbitrary by the Hon’ble Supreme Court in numerous instances.

Learned counsel for the petitioner seeks withdrawal of the petition at this stage so as to take recourse to appropriate remedies in accordance with law and to submit an application for release of electricity connection as per the applicable commercial circulars.

Disposed of as withdrawn with the liberty as aforesaid.

13.09.2024

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(VINOD S. BHARDWAJ)

JUDGE

Whether reasoned/speaking:

Whether reportable:

Yes/No

Yes/No