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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6699-2024 (O&M)
Date of decision: 25.11.2024

Sub Divisional Officer

...Petitioner

Versus

M/s Bharti Research Breeding Farm

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.R. Mahajan, Sr. Advocate with
Mr. Arvind Seth, Advocate for the petitioner.

Mr. R.N. Lohan, Advocate for respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for quashing/setting aside the impugned order dated 30.08.2024 (Annexure P-1) passed by the Additional District Judge, Jind, whereby in the appeal filed by the petitioner/appellant, directions have been issued to the petitioner/appellant to restore the electricity connection of the respondent/plaintiff.

2. On 18.11.2024, this Court had passed the following order:-

*“Present: Mr.B.R. Mahajan, Senior Advocate with
Mr.Arvind Seth, Advocate for the petitioner.*

Inter alia contends that in the present case the electric connection to the premises of the respondent-plaintiff was disconnected on 26.09.2019 in view of non-payment of the electricity bills. It is submitted that in spite of the same, the trial court vide judgment dated 15.02.2024 had granted injunction to the respondent-plaintiff restraining the present petitioner-department from disconnecting the electricity, although the same



had already been disconnected. It is further submitted that against the said judgment, an appeal has been filed by the present petitioner and along with the said appeal, an application for stay (Annexure P-4) has also been filed and in the said appeal as well as in the application, notice has already been issued and the case is now listed for 26.11.2024 for arguments. It is stated that without deciding the said stay application filed by the defendant, the interim order dated 30.08.2024 directing the present petitioner to restore the electricity connection with immediate effect has been passed. It is submitted that the present petitioner has an arguable case and at any rate, the electricity connection was disconnected prior to passing of the decree and thus, the interim order would in effect be going beyond the relief which even the trial Court could have granted. It is submitted that at least, the application for stay by the present petitioner be considered, prior to grant of any relief to the respondent. It has been fairly submitted that in case, the stay application of the present petitioner and the main appeal of the present petitioner itself are dismissed, then, the department would implement the impugned order.

Notice of motion for 25.11.2024.

Liberty is granted to the present petitioner to serve the respondent through dasti process as well as through the counsel in the Ist Appellate Court.

Till the next date of hearing, the operation of the impugned order shall remain stayed.

To be shown in the urgent list.”

3. Learned Senior Counsel for the petitioner as well as learned counsel for the respondent have jointly brought to the notice of this Court that the main appeal itself is now listed for 26.11.2024 and have jointly prayed that the First Appellate Court be directed to decide the said appeal as expeditiously as possible.

4. Learned counsel for the respondent has submitted that in case the



appeal of the appellant is dismissed then they should immediately restore the electricity connection.

5. With the consent of both the parties, the present revision petition is disposed of in the following observations/directions:-

- i) The First Appellate Court is requested to decide the appeal filed against the judgment and decree dated 15.02.2024 as expeditiously as possible, preferably within a period of one month from 26.11.2024.
- ii) Till the time the said appeal is decided, the interim order passed on 18.11.2024 would continue. The grant of the said interim order should not be construed as an expression of the opinion on the merits of the case and it would be open to both the parties to raise all the points in appeal as are available to them in accordance with law and the First Appellate Court would independently decide the case.
- iii) In case the appeal filed by the petitioner/appellant is dismissed then the petitioner/appellant would be bound to release the electricity connection within a period of 10 days from the date of passing of the said order and same would be subject to the petitioner laying further challenge to the judgment of the First Appellate Court. It is however clarified that the release of the electricity connection would not be delayed beyond the period of said 10 days even in case the petitioner chooses to further challenge the judgment of the First Appellate Court.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

25.11.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No