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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-31592-2024 (O&M).
Date of Decision: 25.11.2024.

PARWINDER KAUR

... Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS

... Respondent(s)

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

Present: Mr. Deepak Arora, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for issuing directions to the respondents No.1 to 3 to restore the electricity connection in favour of the petitioner.

2 Learned counsel for the petitioner contends that the petitioner was married to respondent No.4-Baljit Singh son of Piara Singh, resident of House No.510, Ward No.14, New Sant Nagar, Gurdaspur. Two children namely Panthpreet Singh and Akalpreet Singh were born out of this wedlock. It is contended that the petitioner was residing in the aforesaid

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house even though the husband left the petitioner as well as the children without making any provision for their welfare and well being. A number of matrimonial disputes are since then pending between them before different Forums including the complaint under Section 12 of the Protection of Women from Domestic Violence Act, against Baljit Singh, her estranged husband. He contends that the husband and in-laws of the petitioner are unduly harassing the petitioner and she had been victimized for demand of dowry articles. The petitioner has also filed a petition under Section 13 of the Hindu Marriage Act seeking a decree of divorce from her husband. He submits that in order to harass the petitioner, the father-in-law has got the electricity supply existing in his name disconnected by submitting an application to the Sub Divisional Officer City, Punjab. The petitioner thereafter applied for a separate electricity connection to be released in her name and also deposited the amount of Rs.10,270/- vide receipt No.3008689227 on 19.03.2024, however, the electricity connection has not been released on the ground that the petitioner must obtain a prior 'No Objection Certificate' from her in-laws with whom she is in litigation.

3 Learned counsel for the petitioner further contends that the 'NOC' would not be required in the present scenario in view of the fact that the petitioner is in actual physical possession of the said house and has been residing therein and she is entitled to protect her possession. Various proceedings under the Hindu Marriage Act with her estranged husband and in-laws, on account of marital discord, are pending before different Courts and her possession of the property is lawful and protected. Therefore, the

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petitioner cannot be denied the release of electricity connection on such a pretext. It is also argued that the requirement of obtaining 'NOC' from owner is not borne out from the mandate of Electricity Act, 2003 as explained by this Court in the judgment passed in the matter of **MOBIN ANSARI v. PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS, bearing CWP No.13439 of 2022 decided on 23.08.2022.**

4 Notice of motion to respondents No.1 to 3 only at this stage.

5 Mr. Balbir Singh Sewak, Advocate, enters appearance and files memo of appearance on behalf of respondents No.1 to 3. He contends that the petitioner has an efficacious alternative remedy of approaching the Consumer Grievances Redressal Forum under the Electricity Act, 2003 apart from the remedies under the Consumer Protection Act as well as the Legal Services Authorities Act.

6 Faced with above, learned counsel for the petitioner does not press the instant petition so as to take recourse to the alternative remedies available to the petitioner in accordance with law. He, however, contends that such Forum may be directed to take an expeditious decision on the application/petition and in a time bound manner.

7 The aforesaid prayer is not opposed to by the learned counsel for the respondents.

8 The present application is accordingly disposed of as not pressed at this stage with liberty to the petitioner to take recourse to appropriate alterative remedies as are available to her in accordance with law. In the event of petitioner preferring any such application before the

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Consumer Grievances Redressal Forum under the Electricity Act, 2003, along with an interim prayer, an expeditious decision shall be taken in the interim application preferably within a period of one month of the submission of such an application and after granting an opportunity of hearing to the respective parties.

November 25, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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