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

CWP-8017-2025

Date of Decision : **20.03.2025**

AURA RESIDENTS WELFARE ASSOCIATION

.....Petitioner

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Atul Goyal, advocate,
for the petitioners.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. The petitioner-society which comprises of about 940 flats, approached this Court, through the instant writ petition filed under Article 226/227 of the Constitution of India, to throw challenge to the demand notice dated 28.01.2025 (Annexure P-4), under Section 56 of the Electricity Act, whereby the petitioner-society has been directed to deposit the net payable amount of Rs.63,27,069/-.

2. In an attempt to throw challenge to the demand notice (*supra*), learned counsel for the petitioner submits that the demand in the shape of electricity bill was raised on dated 08.03.2025, and the due date



was 18.03.2025, and furthermore, a note was mentioned in the demand notice, that in case of default in payment of bill, the electricity connection of petitioner-society, would be liable to be disconnected, after passing of 15 days of the due date.

4. He further submits that as per the demand notice (*supra*), itself, 15 days time after the due date, would expire on dated 02.04.2025, however, surprisingly, prior to the expiry of aforesaid due date the electricity connection of the petitioner-society was disconnected. He fairly draws attention of this Court towards a petition preferred by the petitioner-society, before the Consumer Grievances Redressal Forum concerned, as constituted by the distribution licensee concerned, for the redressal of their grievances regarding disconnection of electricity connection, but in that matter, the first hearing is fixed for dated 27.03.2025, whereas, the petitioner's grievance with regard to the disconnection is required to be addressed immediately, as about 940 families are living in dark, specially in the days of school examinations.

5. He in addition submits that the petitioner-society, is well aware about the fact that it cannot maintain two parallel remedy, however, on account of the above mentioned facts, the petitioner-society is left with no option except to invoke the writ jurisdiction of this Court, for release of electricity connection.

6. He over and again submits that the petitioner-society is ready to deposit 50% of the demanded amount in two installments, i.e. Rs.15



lakhs, by way of a demand draft by tomorrow itself, i.e. dated 21.03.2025, and rest of the amount to the tune of Rs.16,63,535/-, will be deposited within 07 days thereafter.

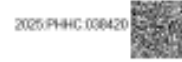
7. He to greater extent submits that the petitioner-society is ready to deposit the aforesaid amount subject to the outcome of the verdict to be passed by the Consumer Grievances Redressal Forum concerned.

8. At this stage, Mr. Rajesh Gaur, Advocate, who is on an advance notice, causes appearance on behalf of respondent(s) and raised objection regarding the maintainability of the instant petition itself.

9. He submits that since the petitioner-society has already approached the Consumer Grievances Redressal Forum concerned, therefore, the instant petition is not maintainable.

10. To lend vigor to his argument, he further submits that first notice was issued to the petitioner-society on dated 28.01.2025, and thereupon, on dated 10.02.2025, a reminder was also issued, but despite that the petitioner-society did not deposit the energy bill. Therefore, on account of their own default, the equity is not in favour of the petitioner-society and they cannot entitled to invoke the writ jurisdiction of this Court.

11. Be that as it may, this Court, at this stage, while not considering the issue of maintainability of the instant petition, as the petitioner-society, has already offered to make the payment of 50% of the



amount due, and coupled with the fact that the forum concerned, has not passed any order on grievance raised through a petition preferred the petitioner-society with regard to the disconnection of electricity, which is now pending for dated 27.03.2025, deems it fit and appropriate to dispose of the instant petition, with the following directions:-

- i. As agreed, the petitioner-society shall deposit an amount of Rs.15 lakhs, by way of a demand draft drawn in favour of the distribution licensee concerned, by tomorrow, i.e. 21.03.2025.**
- ii. The distribution licensee concerned, on receipt of the demand draft (*supra*), shall forthwith restore the electricity connection to the petitioner-society.**
- iii. The rest of the amount to the tune of Rs.16,63,535/- shall be paid by the petitioner-society by way of a demand draft, within a period of 10 days thereafter (i.e. after 21.03.2025).**
- iv. The Consumer Grievances Redressal Forum concerned, shall decide the case of petitioner-society, within a period of 02 months from the date of receipt of certified copy of this order.**



12. The above directions are purely subject to the outcome of the verdict to be passed by the Consumer Grievances Redressal Forum concerned.

13. **Disposed of** accordingly.

March 20, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No