

**CWP-16768-2021 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****223****CWP-16768-2021 (O&M)**
Date of Decision: 21.08.2025

SWARAN SINGH

... Petitioner

V/S

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGALPresent: Mr. Kulwinder S. Dhillon, Advocate
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Amrit S. Kang, Advocate
for respondent No. 2 to 4.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition, petitioner has approached this Court for issuance of a writ in the nature of mandamus *inter alia* for directing respondents to provide an electric connection to his flat.

2. Counsel for the petitioner submits that the petitioner, who has retired as a Senior Manager from Allahabad Bank, purchased a flat in Maa Shimla Complex, Landra Road, Sector 127, Kharar, on 11.04.2018 and applied for an electric connection with Punjab State Power Corporation Ltd. (PSPCL) on 01.06.2018, Annexure P-1 by depositing the requisite security amount. Counsel states that a raid was conducted and a notice dated 02.07.2021, Annexure P-2, was issued to the complex



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alleging that the electricity was being drawn by making a direct connection. PSPCL imposed a penalty for committing theft of electricity and sent an intimation to police authorities for registration of an FIR against the builder-respondent No.5. Counsel asserts that when the petitioner approached PSPCL for release of electric connection, he was asked to pay the outstanding amount pending against the complex.

3. Upon notice, writ petition has been contested by PSPCL-respondents No. 2 to 4 by filing a written statement, wherein it has been submitted that a raid was conducted on 30.06.2021 and it was found that theft of electricity was being committed. Reference has been made to the electricity checking report, Annexure R-1. It has been stated that a notice, Annexure R-2, has been issued to the petitioner imposing a penalty of Rs.77,366/- besides compounding charges. A separate notice has been issued to the builder-respondent No.5, whereby a penalty of Rs.15,23,638/- has been levied. Counsel for the respondents has raised an objection that as petitioner was found committing theft of electricity, notices under Section 135 of the Electricity Act, 2003 were issued and writ petition is not the remedy available to him.

4. A perusal of the report, Annexure R-1, shows that upon a joint checking of the complex, it was found that some flats and shops had made a direct connection and were drawing electricity, even though electric meters had been installed in some shops and flats. As it was a case of theft of the electricity, individual notices had been issued to the flat owners and commercial shops under Section 135 of the Electricity Act, 2003. In such a situation, the remedy available to the petitioner is of



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approaching the Special Court under Section 153 of the Electricity Act, 2003. Instant writ petition is not maintainable in view of the availability of an alternate statutory and efficacious remedy.

5. In view thereof, the writ petition is dismissed as not maintainable. Liberty is granted to the petitioner to approach the forum specified under the statute.

21.08.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>