



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

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CWP-2138-2026

Date of Decision: 11.05.2026

ASHWANI KUMAR

...Petitioner

Vs.

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rajesh Arora, Advocate
for the petitioner

Mr. Akshay Kumar Dhaiya, Advocate for
Mr. Ravish Kaushik, Advocate
for respondent-DHBVN
(assisted by SHO Mukesh Gaur)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 10.11.2025 (Annexure P-22) and 03.09.2025 (Annexure P-20) whereby respondents have rejected his application for new electricity connection.

2. As per pleadings, the petitioner is owner of industrial plot No.75, Sector 1A, Rozka Meo, Tehsil and District Nuh. He entered into rent agreement dated 16.05.2024 with respondent No.6-Rahul Khan. He vide letter dated 30.05.2024 requested respondent-authorities not to release electricity connection to his tenant. It is apt to notice that there

was no electricity connection at the time when aforesaid rent agreement was executed. The tenant did not apply or get electricity connection, however, unauthorizedly and illegally drew electricity directly from the transformer. The petitioner in October' 2024 terminated rent agreement and informed SDO Electricity about the theft and requested to raid demised premises. The officials of respondents on 24.02.2025 inspected demised premises and noticed unauthorized use of the electricity. It was found that Rahul Khan was involved in theft of electricity. The respondent vide order dated 25.02.2025 framed assessment under Section 135 of Electricity Act, 2003 (for short '2003 Act'). Rahul Khan's liability to the tune of Rs.19,43,533/- was assessed. The matter was reported to police authorities. FIR No.618 dated 04.04.2025 came to be registered against Rahul Khan. Petitioner after getting his premises vacated from Rahul Khan vide application dated 30.04.2025 requested respondent to release electricity connection. The respondent did not respond and petitioner approached Redressal Forums which rejected his claim on the ground that new connection cannot be released till the payment of arrears against the premises. Electricity connection is extended to premises and not the individual, thus, new connection cannot be released without payment of arrears.

3. Learned counsel for the petitioner submits that petitioner let out his premises to Rahul Khan. At that time, there was no electricity connection. He informed jurisdictional authorities vide letter dated 30.05.2024 that no connection be installed without application of the owner or his power of attorney holder. The tenant in connivance with

local officers continued to draw electricity from transformer without authorization. His act amounted to theft in terms of Section 135 of 2003 Act. The petitioner vide letter dated 09.10.2024 specifically intimated respondent that tenant is committing theft. Despite said intimation, the respondent conducted search on 24.12.2025 and thereafter framed assessment. A demand was raised against tenant. FIR was registered against tenant, nevertheless, petitioner is not granted electricity connection on the ground that there are outstanding dues of Rs.22.53 lacs. The petitioner is not liable to pay said amount. It is liability of respondent No.6.

4. Learned counsel for the respondent submits that as per instructions dated 12.03.2003 issued by Head Office of the respondent, new connection unless arrears are clear cannot be released.

5. On being asked, learned counsel for the respondent conceded that petitioner was not occupying premises while theft was committed and offence was booked against Rahul Khan. The demand has been raised against Rahul Khan. The petitioner had intimated respondent about unauthorized use of electricity.

6. Heard the arguments and perused the record.

7. From the perusal of record, it is evident that petitioner let out premises on 16.05.2024 and at that point of time there was no electricity connection. He within few days intimated respondent that new connection may not be granted to his tenant. He further intimated respondent that his tenant is committing theft. The respondent initiated

proceedings against Rahul Khan at a belated stage which resulted into theft of electricity of Rs.19,43,533/-. The respondent has registered FIR against Rahul Khan and assessment under Section 135 was framed against him. These facts collectively indicate that petitioner always acted as a *bona fide* owner of the premises. There was neither *mala fide* intention on his part nor he concealed material facts from the respondent-Department. There was no connivance between petitioner and his tenant i.e. Rahul Khan. The respondent relying upon its sales circular cannot deny benefit of electricity connection which it is duty bound to give as per provisions of 2003 Act. The petitioner could be denied electricity connection and compelled to pay arrears had he been in connivance with his tenant or lapsed in performing his duties. He always acted as a prudent landlord, thus, he cannot be denied benefit of electricity connection.

8. In the wake of above discussions and findings, this Court is of the considered opinion that impugned orders deserve to be set aside and accordingly set aside. The respondent is hereby directed to release electricity connection to petitioner within two weeks from today subject to compliance of procedural formalities, if any, by the petitioner

9. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

May 11, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No