

2026:PHHC:054724



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

RSA-1315-2026 (O&M)
Date of Decision: 09.04.2026

PUNJAB STATE POWER CORPORATION LTD AND OTHERS

....Appellants

Versus

PALWINDER SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Himmat Singh Sidhu, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

CM-4755-C-2026

The present application has been filed for condonation of delay
of 270 days in filing the appeal.

In view of the averments made in the application, the same is
allowed.

Application stands disposed of.

Main Case

Appellants/defendants are aggrieved by judgment and decree
dated 20.03.2018, passed by learned Civil Judge (Junior Division),
Gurdaspur, whereby suit for declaration to the effect that notice for
disconnection of electric tubewell connection bearing account No.S-1465-3
horse power installed in the agricultural land owned by respondent/plaintiff
is illegal, null and void, was decreed and also by judgment and decree dated

21.03.2025, whereby appeal preferred by appellants/defendants was dismissed by learned First Appellate Court i.e. Court of learned Additional District Judge, Gurdaspur.

2. Respondent/plaintiff in his suit for declaration and permanent injunction had asserted that he had applied for tubewell connection for irrigation purposes under Chairman Priority Quota which was duly sanctioned by appellant/defendant No.2. Accordingly, tubewell connection bearing No.S-1465 was installed in the fields of respondent/plaintiff after completing all necessary formalities for release of tubewell connection. Appellants/defendants had also installed transformer for release of tubewell connection after inspecting the site and now appellants/defendants have issued a notice to disconnect the same which respondent/plaintiff claimed to be illegal, null and void, without any basis. Accordingly, respondent/plaintiff had preferred suit for declaration and permanent injunction.

3. Appellants/defendants had contested the suit and took preliminary objection with regard to maintainability of suit. It was claimed that tubewell connection of respondent/plaintiff was disconnected on 18.05.2014 and, therefore, suit of respondent/plaintiff has become infructuous. On merits it was claimed that inquiry was conducted and it was found that respondent/plaintiff had managed to get forged sanction letter and was using electricity connection illegally, therefore, appellants/defendants issued notice to respondent/plaintiff regarding disconnection of tubewell connection under the rules and thereafter, had disconnected the same. It was asserted that since sanction letter was forged, therefore, connection in question was released in good faith after issuance of demand notice and

deposit of required amount and this would not bound appellants/defendants and disconnection is justified. Accordingly, dismissal of suit was prayed for.

4. In the present case, facts are not in dispute. Admittedly, respondent/plaintiff is claiming that electricity tubewell connection was duly sanctioned in his favour and was duly installed. It is also not in doubt that on the basis of sanction letter demand notice was raised by appellants/defendants and on deposit of demanded amount connection was released to respondent/plaintiff. However, appellants/defendants subsequently have claimed that the said sanction letter was based upon forged sanction letter and this fact had come to the notice of appellants/defendants only on subsequent inquiry. Therefore, they are within their rights to disconnect the electric connection which respondent/plaintiff got on the basis of forged sanction letter.

5. Since it was appellants/defendants who had claimed that sanction letter was forged, they were bound to prove this fact. Both the Courts have noticed that appellants/defendants have failed to prove that sanction letter was a forged one and have duly taken note of the fact that long procedure is prescribed under the rules for release of electricity connection to a tubewell. Before release of electricity connection various verifications are made by electricity department and demand for amount required for release of connection is raised upon customer and it is only after deposit of said amount, electricity connection is released.

6. The case of appellants/defendants is that they came to know about forged sanction letter in favour of respondent/plaintiff only on inquiry. However, said inquiry report which has been referred to in notice dated 25.09.2012 has not been produced on record by appellants/defendants. It is

worth noticing that at the time of inquiry respondent/plaintiff was not associated by appellants/defendants in the said inquiry. Neither copy of inquiry report nor material upon which report was based upon by which inquiry officer had concluded that sanction letter was a forged one, has been placed on record by appellants/defendants before the Courts below as to conclude that findings recorded in inquiry report are correct and binding upon respondent/plaintiff.

7. Merely there being an inquiry report would not justify the plea of appellants/defendants that sanction letter was a forged one. The same needs to be established by appellants/defendants by leading material upon which inquiry was based specially when neither inquiry report nor inquiry officer has been examined by appellants/defendants in support of their case. It is also admitted fact that tubewell connection was released by the employees of appellants/defendants and no action has been taken against such employees, who colluded with respondent/plaintiff in issuance of forged sanction letter.

8. In view of this, the finding of fact recorded by both the Courts below that appellants/defendants have failed to prove that sanction letter was a forged one cannot be faulted with. It is appellants/defendants who would fail if they fail to prove that the basis of notice which is under challenge was not genuine/justified. Since the impugned notice has been issued only on the basis of inquiry report which has neither been proved nor established, the notice is liable to be ignored and set aside. Therefore, no fault with the conclusion drawn by learned Courts below can be arrived at. Finding of fact is based upon evidence led by parties. No question of fact or law arises in the present case. Appeal is accordingly dismissed.

9. Pending application(s), if any, is/are disposed of accordingly.

09.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No