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

CIVIL WRIT PETITION No.\_\_\_\_\_\_\_\_\_ of 2020

Suresh Kumar (aged 45 years) son of Surjan Singh resident of Vill;age Bhagsi, Tehsil Dera Bassi ,District.SAS Nagar,Mohali

VERSUS

1.Punjab State Power Corporation Limited through its Chairman/Managing Director , The Mall Road .Patiala.

2. Executive Engineer,(PSPCL) Division Lalru Tehsil Dera Bassi (SAS Nagar Mohali)

3 Pardeep Kumar S.D.O. ,(PSPCL) Sub Division, Lalru Tehsil Dera Bassi District –SAS Nagar Mohali.

4 Rajinder Kumar Junior Kumar , ,(PSPCL) Sub Division .Lalru . Tehsil Dera Bassi District –SAS Nagar Mohali.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9.2020 Advocate**

**Counsel for the Petitioner**

Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate order or direction, calling for the record of the case and after perusal of the same : -

1. Issue a writ in the nature of Mandamus directing the respondents to restore the electric connection no. Z 23 MF 641316 W at village Bhagsi Tehsil Dera-bassi District. Mohali ,which has been disconnected on 24.9.2020 without any opportunity of hearing or notice and also without passing any order (whereas, no dues was pending of the said connection ) which is illegal, unjust, unwarranted and against the Articles 14 and 21 of the Constitution of India

It is further prayed that during the pendency of writ petition an interim direction be issued to restore the electricity connection no. Z 23 MF 641316 W (domestic) at village Bhagsi Tehsil Dera-bassi District. Mohali forthwith.

issue any other appropriate order or direction which this Hon’ble Court may deem fit and proper peculiar facts and circumstances of the case.

**Respectfully showeth : -**

1. That the petitioner is resident of Punjab State and being the citizen of India, he is entitled to invoke the extraordinary writ jurisdiction of this Hon’ble High Court under Articles 226/227 of the Constitution of India.
2. That the in the year 1990, petitioner constructed one pacca residential house with in area approximately one Bigha in their village Bhagsi Tehsil Dera –Bassi Distt. Mohali . and electric connection no.MF-64/0800-W was taken in the said house in the name of petitioner. Since 1990 petitioner was regularly paying the bill
3. That some years back i.e. in 2015 , said big residential house was partitioned in two parts than petitioner shifted in the second part/portion after its renovation for residing in same premises in four wall and first part of said house is used for animals and agriculture equipments . Petitioner has been started to residing in second part/portion of said house and had taken another (second) electricity connection no. Z 23 MF 641316 W ( now disconnected ) in his name and was paying the bill regularly till its illegally disconnected on 24.9.2020 .
4. That petitioner could not pay the electricity bill of first connection i.e. no. MF-64/0800-W of the first part/ portion of the said house , in same premises, for the last 4-5 months due to his financial condition than in the month of Agust-2019 respondents disconnected its electric connection no. MF-64/0800-W (first connection) due to non-payment and further on 4.2.2020 , a show cause notice under Section 135 of Electricity Act was issued by the respondents, on the false allegation that after disconnection , electricity supply is still running (through kundi connection) illegally in the said premises .This notice was issued in the name of the petitioner and proposed the penalty of Rs. 2 lakh .Than petitioner challenged this show cause notice dated 4.2.2020 before the designated Court at Mohali under the provision of the Punjab Electricity Act ,Now this case is still pending due to COVIND=19 ,no hearing had taken place so far. A show cause notice dated 4.2.2020 issued by the respondent is attached herewith as **Annexure P-1.**
5. That the on 24.9.2020 second electricity connection no. Z 23 MF 641316 W, in the name of the petitioner, which was legally installed in the separate part/portion of residence in same premises was disconnected at the back of the petitioner by the respondent no .4 i.e. S.D.O. Mr. Pardeep Kumar without giving any reason or opportunity or hearing and no notice or show cause notice has been given before the disconnection. When the petitioner came to know this incident , he met him and asked him that it is my legally connection and I am paying the regularly bill of this connection no. Z 23 MF 641316 W, till date but the respondent no.4 did not pay any heed. Than petitioner approached the respondent 2 in this regard, but nothing was done. Copies of last two Receipt and their bill history of the said second connection no. Z 23 MF 641316 W are attached herewith as **Annexure P-2 .**
6. That the respondent after disconnect the said connection on 24.9.2020 is issuing the regularly electricity bill, such electricity bill which was issued in the month of Sep.2020 for the period (3.7.2020 to 12.9.2020) amounting of Rs. 11,120/- which was to be paid till 28.9.2020 but petitioner did not pay this bill because on 24.9.2020 his connection (no. Z 23 MF 641316 W ) was illegally already disconnected .
7. That now family of the petitioner is residing in dark at night without electricity .Petitioner is having two school/college going child who are suffering without electricity and their studying is adversely effected .Mother of the petitioner who is very old lady is without electricity cannot act properly in dark at night .One nephew who is residing with the petitioner suffered from CORONA + is in isolated in the said house without electricity.
8. That it is pertinent to mention here that such act has been done with ulterior motive to harass and humiliate the petitioner and such act has been done in biased manner at the behest of the respondent no. 5 i.e. J.E. Rajinder Kumar (concerned sub division of Corporation). Because respondent no. 5 is the relative of the cousin brothers of the petitioner and various litigations between the family of the petitioner and his cousin brothers are going on. One such litigation, regarding land partition proceeding is going on since 2003 which is still pending before this Hon’ble Court. Further respondent no.4 i.e., S.D.O .Pardeep Kumar (concerned sub division ) is acting at the behest of the respondent no 5. Who himself disconnected the legally electricity connection of the petitioner, without showing any cause.

**9 .** That the substantial questions of law involved in this writ petition are as under:-

a) Whether the action of the respondents is arbitrary and discriminatory which violative of Articles 14 and 21 of the Constitution of India?

b) Whether the Respondent is duty bound to restore the electricity connection forthwith?

c) Whether grave and manifest injustice has been done with the petitioner?

**10**  That there is no other alternative efficacies remedy or appeal or revision available with the petitioner except to approach this Hon’ble High Court under Article 226/227 of Constitution of India.

**11.** That the petitioner has not filed any such or similarly writ petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India.

**It is, therefore, respectfully, prayed that:-**

(i) The records of the case may be called for;

ii) filing of the certified/true copies of the Annexures be dispensed with;

(iii) advance notice upon the respondents be dispensed with;

iv) Issue a writ in the nature of Mandamus directing the respondents to restore the electric connection no. Z 23 MF 641316 W at village Bhagsi Tehsil Dera-bassi District. Mohali ,which has been disconnected on 24.9.2020 without any opportunity of hearing or notice and also without passing any order (whereas, no dues was pending of the said connection ) which is illegal, unjust, unwarranted and against the Articles 14 and 21 of the Constitution of India

It is further prayed that during the pendency of writ petition an interim direction be issued to restore the electricity connection no. Z 23 MF 641316 W (domestic) at village Bhagsi Tehsil Dera-bassi District. Mohali forthwith.

**Chandigarh**

**Dated: 29.9.2020**

**Through Counsel**

**(SURESH AHLAWAT)**

**Advocate**

**Verification.**

Verified that the contents of para 1 to 14 and 16 to 17 are true and correct to my knowledge. Legal averments are made in para 15 on the advice of the counsel and the same are believed to be correct. No part thereof is false and nothing has been concealed therein.

Place

Dated:-29.9.2020

PUNJAB STATE POWER CORPORATION LIMITED

BILL CUM SHOW CAUSE NOTICE Under section 135 of the Act

( For Theft case)

Letter No. 2109 **Date 4.2.2020**

From Authorized Office

Tel. no.------------- Mobil no.-----

**To**

**Suresh son of Surjan Singh**

**Sub. Bill cum show Notice u/s 135 of the Act for theft of Electricity –**

**Assessment order .**

Sir,

1. Your premises situates at Bhagsi village having Electricity service **connection no. (Acc.No.) MF-64/0800-W** was inspected by an authorized officer of PSPCL on 44/117/ **29.1.2020.**

2. During the inspection it was noticed that you are using it in the commercial propose by direct installed the kundi connection , which is theft case under the section 135 of the E.A.

3. Memorandum of inspection and seizure bearing no. 44/1117 was handing over to your representative Sh. Suresh Kumar on 29.1.2020, in case, it has not been received by you , a copy thereof can be collected from this office oby contacting the undersigned /Revenue Accountant.

xxxxxx

5. The assessment amount payable by you works out **(Rs. 1,99,832/- + compounding Rs.10.000/-)** as per provisions of regulation 37 of the Supply Code .You are requested to deposit this amount within 15 days or you may prefer appeal before the Designated Authority

Authorized Office of the PSPCL

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

CIVIL WRIT PETITION No.\_\_\_\_\_\_\_\_\_ of 2020

Suresh Kumar - ----------Petitioner

VERSUS

Punjab State Power Corporation Limited and others ------ Respondents

Affidavit of Suresh Kumar son of Surjan Singh resident of Vill;age Bhagsi, Tehsil Dera Bassi ,District.SAS Nagar Mohali/

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the deponent is filing the accompanying writ petition, the contents of which may also be treated as a part of this affidavit.

2. That the deponent is competent to file this affidavit and is well conversant with the facts and circumstances of the case. The averments made in the present writ petition are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed therein.

Dated .10.2020

**VERIFICATION:**

Verified that the contents of my writ petition are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

**PLACE: CHANDIGARH**

## DATED: .10.2020

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

**CIVIL WRIT PETITION NO.\_\_\_\_\_\_\_\_OF 2020**

Suresh Kumar -------------- Petitioner

Versus

Punjab State Power Corporation Limited and others ---------Respondents

**INDEX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Particulars | Dated | Pages | Court Fees |
| 1. | List of Dates and Events | 29.9..2020 | 1-2 | -- |
| 2. | Civil Writ Petition | 29.9..2020 | 3-8 | 50.00 |
| 3. | Affidavit | .10.2020 | 9 | -- |
| 4. | Annexure P-1 (Show cause notice) | 4.2.2020 | 10 | 1.30 |
| 5. | Annexure P-2 (Receipts of bill of second connection ) | --- | 11-13 | 2.00 |
| 6. | Power of Attorney | 27.9.2020 | 14 | 3.00 |
| 7. | Annexure P-1 (Full /Vernacular copy) | 4.2.2020 | 15 |  |
| Notes:- | | |  | |
|  | |
|  |  |

1. That the main law points involved in this writ petition are contained in Para No. at Page No. of the Writ Petition.

2. Relevant Rules/Act/Statutes

i) Constitution of India.

3. Similar case if any: -NIL-

4. Whether Caveat Petition has been filed in this case :NO

**PLACE:CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9..2020 Advocate**

**Counsel for the Petitioner**

**P-370/1994**

LIST OF EVENTS

1990 petitioner constructed one pacca residential house with in area approximately one Bigha in their village Bhagsi Tehsil Dera –Bassi Distt. Mohali . and electric connection no.MF-64/0800-W was taken in the said house in the name of petitioner.

2015 , said big residential house was partitioned in two parts than petitioner has been shifted in the second part/portion after its renovation for residing in same premises in four wall and first part of said house is used for animals and agriculture equipments .Petitioner had taken another (second) electricity connection no. Z 23 MF 641316 W (now disconnected) in his name of the second portion /part of said house and was paying the bill regularly till its illegally disconnected on 24.9.2020 .

Aug-2019 Petitioner could not pay the electricity bill for the last 4-5 months due to his financial condition of first connection i.e. no. MF-64/0800-W of the first part/ portion than in the month of Agust-2019 respondents disconnected its electric connection no. MF-64/0800-W (first connection) due to non-payment

**4.2.2020** , a show cause notice under Section 135 of Electricity Act was issued by the respondents, on the false allegation that after disconnection and removed the meter regarding connection no. MF-64/0800-W (first connection) electricity supply is still running (through kundi connection) illegally in the said premises .

And proposed the penalty of Rs. 2 lakh .

**24.9.2020 New** electricity connection (second) no. Z 23 MF 641316 W, in the name of the petitioner, which was legally installed in the separate part/portion of residence in same premises was also disconnected at the back of the petitioner by the respondents without giving any reason or opportunity or hearing and no notice or show cause notice has been given before the disconnection.

There was/is no efficacious remedy .

Hence this writ petition is being filled.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9.2020 Advocate**

**Counsel for the Petitioner**

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

**CIVIL WRIT PETITION NO.\_\_\_\_\_\_\_\_OF 2020**

Suresh Kumar -------------- Petitioner

Versus

Punjab State Power Corporation Limited and others ---------Respondents

Court Fee

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9.2020 Advocate**

**Counsel for the Petitioner**