

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 21 of 2022
Date of hearing: 03.08.2022
Date of Order: 10.08.2022

Petition under Section 43 of the Electricity Act, 2003 read with Regulation 5.1 of the Supply Code, 2014 and other relevant rules and Regulations as approved by Hon'ble Commission including 68, 69, 70, 71, 71 and 72 and other relevant provisions of Chapter XIII of the Conduct of Business Regulations 2005 as amended up to date and provisions of the Electricity Act, 2003 for directing the Respondents to render respective permanent Domestic Supply Electricity connection to the petitioners for their residential houses in the colony.

AND

In the matter of: Avnidha Gupta & Ors. ..Petitioners

Versus

Punjab State Power Corporation Limited & Ors.Respondents

Commission: Sh. Viswajeet Khanna, Chairperson
Sh. Paramjeet Singh, Member

Petitioner: Sh. Aditya Grover, Advocate

PSPCL: Sh. Naveen S. Bhardwaj, Advocate
Sh. Rupinderjit Singh, CE/ARR&TR
Sh. Ravi Luthra, SE/TR-2
Sh. Amandeep Singh, ASE/TR-5
Sh. Gurvinder Singh, Sr.Xen/TR-5
Sh. Sukhjot Singh Sidhu, SE/Regulation

ORDER

During hearing on 22.06.2022 on admission of the petition, it was observed by the Commission that the developer of the colony as well as GMADA are necessary parties for the proper adjudication of the matter but have not been impleaded as respondents in the petition. It was further observed that it will be relevant to consider if any complaint has been filed by the residents of the colony with the Licensing Authority and Real Estate Regulatory Authority, Punjab. The counsel for the petitioners requested for time to amend the petition to implead the developer of the colony as well as GMADA as respondents. The petitioner was allowed to file the amended petition within two weeks.

The petition was taken up for hearing on admission. The petitioner did not file the amended petition and filed an application dated 13.07.2022 to withdraw the petition. It has been submitted in the application that *the earlier requests for preponing the date of hearing and taking up the petition urgently have not been acceded to nor has any direction been issued for restoration of electricity. Therefore the matter may be taken up on 13.07.2022 itself to immediately restore the electricity connections or in the alternative to allow the petitioners/applicants to withdraw the above titled petition in order to enable the petitioners to approach the Hon'ble Punjab and Haryana High Court in the interest of justice equity and good conscience.* It was observed by the Commission vide Order dated 23.06.2022 that the Developer of the colony as well as GMADA are necessary parties for proper adjudication of the matter but were not impleaded as respondents in the petition. It was further observed that it will be relevant to consider if any complaint has been filed by the residents of the colony with the licensing authority and the Real Estate Regulatory Authority Punjab. Therefore, the matter was required to be considered, keeping in view its specific facts, after hearing the respondents and only then could the petition be considered for admission. Only, if a case was made out for issuing an interim injunction, the same is issued accordingly at that juncture. However, the petitioner neither impleaded the necessary parties as respondents nor submitted the information as directed vide Order dated 23.06.2022. Thus, the grievance of the petitioner that the petition was not preponed for early hearing and direction has not been given for restoration of electricity is without any substance.

The Ld. Counsel for the petitioners submitted that the petitioners have already filed a petition before the Hon'ble Punjab and Haryana High Court and therefore the petitioner may be allowed to withdraw the present petition with the liberty to file a fresh petition, if so required. The request of the Ld. Counsel is allowed and the petition is dismissed as withdrawn with the liberty to the petitioners to file a fresh petition, if so required.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **10.08.2022**