

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

LPA No.688 of 2025

Decided on: 26th November, 2025

Sham Lal

...Appellant

Versus

Himachal Pradesh State Electricity Board and others

...Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhwalia, Chief Justice

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the appellant	:	Mr. Sanjeev Bhushan, Senior Advocate with Mr. Shagun Sharma, Advocate.
For the respondents	:	Ms. Sunita Sharma, Senior Advocate with Ms. Meenakshi Katoch, Advocate, for respondents No.1, 3, 4 & 5. Mr. Gobind Korla, Additional Advocate General, for respondent No.2.

G.S. Sandhwalia, Chief Justice (Oral)

The present appeal is directed against the order of the learned Single Judge in **CWP No.2791 of 2020** filed by respondent No.6 titled ***Roshan Lal vs. State of H.P. and others***, decided on 25.04.2025.

2. The appellant is aggrieved by the directions of the learned Single Judge, holding that the action of the respondent-

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

Board in supplying electricity to the disputed premises in favour of the present appellant by fixing a meter in the name of respondent No.7-Naveen Kumar, despite the objection of the said person, is bad and was a culpable exercise of power with intent to help the present appellant.

3. Resultantly, a cost of Rs.25,000/- each was imposed on both the Board and the present appellant, to be paid to the petitioner. The Board was also given liberty to recover the costs from the erring officer at the helm of affairs, who permitted the installation of the electricity meter.

4. The counsel for the appellant has sought to argue on the merits of the case, regarding the issue of the status of the appellant in the shop in question situated in Up Mohal Galua Tehsil and District Una, H.P., where the meter was installed. He submits that an opportunity should have been given by the learned Single Judge to file a reply so that the case could have been effectively adjudicated upon and his defence should have been taken into consideration especially since 22.04.2025, he had been proceeded against *ex parte*. It is the contention of the Senior counsel appearing for the appellant that his application as such for modification/recall of the *ex parte* order was only partly allowed in the judgment under consideration to the extent that he was allowed to participate in the

proceedings, therefore, it has led to a failure of justice.

5. We have examined the original record of the writ petition and it transpires that the present appellant had put in appearance way back on 12.07.2022 and had sought time to file a reply. The counsel was changed on 31.08.2023 who further sought time to file the power of attorney and file a reply. On 26.11.2024, a caveat was issued by the learned Single Judge that if reply by respondent No.6 is not filed, the Court would be constrained to decide the petition on the next date of hearing on the basis of the material already available.

6. Further latitude was sought by the present appellant on 11.12.2024 and a last opportunity of two weeks was granted to file the reply. On the said date, notice was also issued to Mr. Naveen Kumar, the proposed respondent, and the present appellant was also asked to file his reply, which he failed to do so. The matter was thereafter taken up after a period of almost three months on 28.03.2025 after the winter vacation. Eventually, he was ordered to be proceeded against *ex parte* on 22.04.2025.

7. Thus, for almost a period of two and a half years after putting in appearance, the reply was not filed. In such circumstances, it cannot be said that opportunity was not granted by the learned Single Judge and that the petitioner has been put to

prejudice. Having failed to comply with the various opportunities, now it does not lie in the mouth of the appellant to say that the matter should be decided after taking his written statement on record. The matter was of urgent nature, involving the issue of electricity connection and accordingly the learned Single Judge decided the writ petition. Apparently, it was a matter which was sought to be prolonged by the appellant by not filing response.

8. It is also pertinent to notice that even the Electricity Board has chosen not to challenge the order of the learned Single Judge, realizing its weak position.

9. Having failed in his attempt, now the present appeal has again been filed. We thus are of the considered opinion that the issue cannot now be gone into, the appellant having lost his opportunity to respond to the case at the first instance before the learned Single Judge.

10. Resultantly, there is no merit in the appeal and the same is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

26th November, 2025

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(Jiya Lal Bhardwaj)
Judge