

S. No. 80

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. :- WP(C) No. 1121/2022

Royal Palms Residents Welfare
Association Th. Indu Bhushan

.....Petitioner(s)

Through: Mr. Mudassar, Advocate.
Mr. Vastav Sharma, Advocate.

Vs

UT of J&K and ors.

..... Respondent(s)

Through: Mr. Raman Sharma, AAG.
Mr. Amit Gupta, AAG.
Mr. Vishal Goel, Advocate.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
07.06.2024

1. From the record, it appears that this Court vide order dated 12.08.2022 directed the petitioner to deposit an amount of Rs. 2.00 lacs within one week and subject to depositing of the said amount, the respondent (Electricity Department), i.e., JKPDCL was directed not to disconnect the connection of the common area of the subject building till next date of hearing before the Bench. Further, the petitioner has been directed to continue to pay the future electricity charges regularly without any fail.

2. The record further transpires that notice for disconnection of supply for default of payment under Section 56 of the Electricity Act, 2003 read with Regulations 9.3(1) & 9.7(2) of Joint Electricity Regulatory Commission (for the State of GOA & Union Territories) Electricity Supply Code Regulations, 2018 has been issued against Amar Nath dated 06.05.2022, which is subject matter of the instant petition, a perusal whereof reveals, that the said Amar Nath, who was

the erstwhile owner of the Royal Palms, is liable to pay an amount to the tune of Rs. 1,2900,450/- (Rupees One Crore, Twenty Nine Lac, Four Hundred and Fifty) ending March, 2022.

3. At this stage, Mr. Amit Gupta, learned AAG has drawn the attention of this Court with respect to an affidavit filed by the petitioners, wherein the petitioners have undertaken that they will take up the matter with the land owner of the said Royal Palms Residents Welfare Association, namely, Amar Nath Choudhary and will resolve the dispute regarding the outstanding bill within a period of two months from the date of the said affidavit. This aspect of the matter has been specifically pleaded by the respondents in their reply.

4. Mr. Amit Gupta, learned AAG further submits that huge arrears as electricity charges are pending against the said erstwhile owner to whom the notice has been issued and against an amount of Rs. 1,2900,450/-, which was being payable till ending March, 2022. Against the said huge outstanding, only an amount of Rs. 2.00 lacs has been deposited in pursuant to the interim order passed by this Court and the Govt. revenue has been blocked and the respondents are not in a position to recover such huge revenue and even an affidavit, which has been filed, has not been acknowledged and till date, the issue has not been resolved by the petitioners in light of the undertaking given by him and the arrears, which are to be recovered under Land Revenue Act have not been paid to the respondent-department.

5. However, on the other hand, on the strength of the interim order, the respondents have been restrained to disconnect the electricity connection on a mere deposit of Rs. 2.00 lacs when an amount of Rs. 1,2900,450/- was being

payable till March, 2022. Accordingly, Mr. Gupta, learned AAG prays for vacation of the aforesaid order, so that the respondents are given liberty to proceed in the matter.

6. At this stage, proxy counsel appearing for the petitioners submits that since learned Senior counsel for the petitioner, Mr. Pranav Kohli, learned Sr. Advocate, is not available today, he is not in a position to argue the matter.

7. Since huge revenue is involved in the instant petition, which is being recovered as arrears of land revenue and the issue till date has not been resolved by the petitioner in light of the undertaking so filed, this Court reluctantly and in the interest of justice, adjourned the matter and direct the Registry to list the same again on **03.07.2024** with a rider that no further adjournment on any count whatsoever shall be granted on the next date of hearing.

8. The petitioner is also directed to file a fresh affidavit within one week positively before this Court, highlighting the steps being taken by him with respect to resolving the dispute regarding the payment of outstanding electricity charges, which find mention in the notice impugned in light of the earlier undertaking so given by the petitioner.

9. The petitioner is further directed to sort out the issue during this intervening period with respect to payment of arrears to the respondent-department positively before the next date of hearing, failing which, the interim order passed by this Court dated 12.08.2022 will be deemed to have been vacated and the respondent-department will be at liberty to proceed ahead in the matter.

10. The interim direction passed by this Court dated 12.08.2022 is extended till next date of hearing.

11. List on **03.07.2024**.

(Wasim Sadiq Nargal)
Judge

JAMMU
07.06.2024
Ram Krishan

