



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 7595/2026

Surendra Hindu Singh Bhati S/o Sh. Hindu Singh, Aged About 37 Years, R/o Village Tejmalta, Zinzinyali Police Station, District Jaisalmer.

-----Petitioner

Versus

1. Jodhpur Vidyut Vitran Nigam Ltd., Through Its Chairman, New Power House, Industrial Area, Jodhpur.
2. Assistant Engineer (O & M), Jodhpur Vidyut Vitaran Nigam Ltd., Jodhpur DISCOM, Jaisalmer.
3. Executive Engineer (O & M), Jodhpur Vidyut Vitran Nigam Ltd., Jodhpur DISCOM, Jaisalmer.
4. Jayant Kumar S/o Sh. Natwarlal, R/o Chainpura, Gandhi Chowk, Tehsil And District Jaisalmer.

-----Respondents

For Petitioner(s) : Mr. Nishant Bora
Mr. Dheeraj Jangid
For Respondent(s) : Mr. Harish Bera

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

05/05/2026

1. This writ petition has been preferred by the petitioner with the following prayer:-

"It is, therefore, most respectfully prayed that the writ petition may kindly be allowed with costs and by issuing an appropriate writ, order or direction:-

(i) Quash and set aside the impugned order (Annexure-12) dated 11.03.2026 passed by the respondent No.2;

(ii) Direct the respondent Department to grant/restore electricity connection in favour of the petitioner with respect to the suit property.



(iii) Any other order favourable to the petitioner may also be passed.

2. Heard learned counsel for the parties.
3. It is contended by learned counsel for the petitioner that the petitioner filed a civil suit against the respondent No.4 before the District Judge, Jaisalmer for cancellation of the fraudulent sale deed. In the suit aforesaid, while deciding application under Order XXXIX Rule 1 & 2 of CPC, the learned trial Court on 17.01.2025 granted interim order to maintain status quo by both the parties.
4. It is further submitted that the petitioner applied for electricity connection before the respondent – DISCOM. With a view to get regularized electricity connection and ensure lawful enjoyment of property, the petitioner cleared outstanding dues of electricity bills. Thereafter, on an application filed by respondent No.4, vide order dated 11.03.2026, the respondents rejected the application for grant of electricity connection to the petitioner on the ground of interim order of maintaining status quo. In the order aforesaid, it was specifically averred that due to interim order passed by the trial Court, the respondents are not in a position to grant electricity connection.
5. Learned counsel for the petitioner argued that the petitioner is in possession of the dwelling house and since he fulfilled the requirement and deposited necessary charges with respondent – DISCOM, they are under obligation to issue electricity connection to the petitioner.
6. Learned counsel for the petitioner has relied upon Section 43 of the Electricity Act, 2003 wherein it is provided that if an application is preferred by the owner or occupier of any premises, then the supply company shall give the electricity connection





within a period of one month after the receipt of the application. He, therefore, prays that the present writ petition may kindly be allowed and the respondents may be directed to provide electricity connection to the petitioner.

7. Per contra, learned counsel for the respondents opposed the present writ petition and submitted that the house in question is a disputed property and in the suit filed by the petitioner, an interim order was passed by the learned trial Court to maintain status quo. He further submitted that an objection was made by the respondent No.4 and while acting upon that, the impugned order dated 11.03.2026 was passed denying the electricity connection to the petitioner.

8. I have considered the submission made at the Bar and have gone through the relevant record of the case.

9. The fact that present petitioner is in the occupation of the dwelling house for which the electricity connection is sought for, is not disputed. It is also not disputed that as per Section 43 of the Electricity Act, 2003, a person, who is owner or occupier of any premises, is entitled to be given the electricity connection on an application being preferred by him in accordance with law. For brevity, Section 43 of the Electricity Act, 2003 is reproduced as under:-

"Section 43. (Duty to supply on request): ---

(1)1 [Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub- stations, the distribution licensee shall supply the electricity to such premises immediately





after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

1 [Explanation.- For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

(2) *It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) :*

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) *If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default."*

10. Learned counsel for the petitioner submitted that the controversy involved in the instant case, has been decided vide judgment dated 07.05.2024, passed by the Division Bench of this Court at Jaipur Bench in the case of **Smt. Sushila Devi Vs. Jaipur Vidyut Vitran Nigam Ltd. & Ors. (D.B. Special Appeal Writ No.171/2024)**

11. It is also noted that though the civil suit is pending consideration before the learned trial Court and an order to maintain status quo was passed but that itself cannot be a ground to deny electricity connection to the petitioner.





12. In the circumstances, the writ petition is allowed. The petitioner is directed to apply for electricity connection afresh and the respondents No.1 is directed to consider and decide petitioner's application for electricity connection and grant electricity connection to the petitioner within a period of one month from the date of making application, while adjusting previous amount/demand deposited by the petitioner, if any.

13. It is made clear that the grant of electricity connection will not be construed that the electricity connection has been granted to the petitioner being the owner of the property.

14. The stay petition and all pending applications, if any, also stand disposed of.

(MUKESH RAJPUROHIT),J

43-Ramesh/-