2026:AHC:85283-DB

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 12624 of 2026

Rajesh Kumar Jaiswal

.....Petitioner(s)

Versus

U.P.P.C.L. Through Its Chairman Uttar Pradesh Power Corporation Ltd And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Utkarsh Tripathi
Counsel for Respondent(s) : Krishna Agarawal, Narendra Kumar Tiwari

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Court No. - 29

HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.

(Per Arindam Sinha, J.)

1. Mr. Madhavendra Singh, learned advocate, holding the brief, appears on behalf of petitioner and submits, his client applied for electric connection to that part of the premises under his occupation, the top floor. He had a tenant occupying the ground floor, who committed theft of electricity. His client has obtained eviction decree against the tenant and execution is awaited. The supply company is not giving fresh connection to his client on holding out demand for payment on the theft. He seeks interference.

2. Mr. Krishna Agarwal, learned advocate appears on behalf of respondent no.1 (the power corporation). Mr. Rakesh Kumar Mishra, learned advocate, holding the brief, appears on behalf of respondent nos.2 to 4 (the supply company). He submits, there has been detection of theft. He relies on clause 4.3 (f) (vi) and (viii) in U.P. Electricity Code, 2005. The clauses are reproduced below.

> *"4.3 (f) (vi) ..... In case the electricity connection to the said premises was given with the consent of house owner, such person shall ensure the payment of all arrears/dues of electricity by the tenant before the tenant vacates the premises.*

> *4.3 (f) (viii) ....The application shall be processed by licensee on clearing of dues."*

3. It appears, allegation is, the supply company upon complaints made by petitioner, discovered theft of electricity by the tenant. Paragraph 8 from the petition is reproduced below.

> *"8. That it is here apropos to mention that neither the petitioner nor the tenant has ever applied for any electricity connection before the respondent authorities. The petitioner got knowledge that the tenant was Illegally drawing electricity from a power line without authorization or any connection being granted by the respondent authorities, In this regard the petitioner has moved several applications before the respondent authorities while stating therein that no electricity connection has ever been applied by the petitioner or the Tenants over the property and the same has never been granted by the authorities."*

We have ascertained, the tenant did not have electricity connection but was obtaining electricity by hooking.

4. The supply company must find remedy against the thief. Inability or otherwise failing to recover cannot clothe the supply company with power to recover from petitioner landlord. Tenancy is recognized in law. Inducting a tenant, who commits theft of electricity, does not automatically make the landlord liable. Relied upon sub-clause (vi) provides contingency, where electricity connection to the premises was given upon consent obtained. In this case, the tenant is alleged to be thief, who never had connection. So far as sub-clause (viii) is concerned, it is not a case of subsequent owner seeking connection but petitioner landlord seeking connection on his separate settled possession of the premises. A larger Bench of the Calcutta High Court had taken view in judgement in **Abhimanyu Mazumdar vs. The Superintending Engineer (AIR 2011 Cal 64)** that a person in settled possession is entitled to have electricity connection. The supply company can recover outstanding on a connection from a subsequent occupier/owner of a premises. The distinction is to be understood. Petitioner says he is landlord and in settled possession of his portion of the premises. His tenant, who did not have a connection, committed theft of electricity.

5. Petitioner's application for electric connection be dealt with and the connection be given within two weeks from communication of certified copy of this order, to be made by petitioner upon respondent no.4 (the Executive Engineer). For the purpose prescribed new connection charges are only to be demanded from and paid by petitioner.

6. The writ petition is **disposed of.**

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

April 17, 2026
VS

Digitally signed by :-
VIDYA SAGAR BARATAM
High Court of Judicature at Allahabad