

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8447 of 2013

Date of Decision : December 08, 2015

Sucha Singh

.... Petitioner

Versus

Punjab State Power Corporation Ltd. & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Gurcharan Singh, Advocate,
for the petitioner.

Mr. Roshan Lal Sharma, Advocate,
for the respondents.

HARINDER SINGH SIDHU, J.

The petitioner is a small land owner having 26 Kanal, 7 Marlas of agricultural land. Electric Tube-well connection was issued in the name of his father late Rajinder Singh, who was an ex-serviceman and retired from the post of Naib Subedar in the Army. It remained functional upto 17.12.1995. Due to failure to pay an outstanding amount of Rs.3940/-, the aforesaid Tube-well connection was permanently disconnected on 08.01.1996.

Rajinder Singh, the father of the petitioner had executed a registered Will on 06.08.2008 in favour of the petitioner bequeathing all his moveable and immovable property situated in village Jasraur, Tehsil Ajnala in the name of the petitioner. He also vide transfer deed dated 04.08.2008 transferred 26 Kanals, 7 Marlas land in which the tube-well was situated in the name of the petitioner.

The father of the petitioner died on 01.10.2011.

Thereafter, the petitioner sent representation dated 15.05.2012 (Annexure P-2) requesting for restoration of Electric Tube-well connection bearing Account No.J-24 and for transferring the said connection in his name. The petitioner had also furnished the necessary papers of ownership including indemnity bond dated 20.04.2012 (Annexure P-3) and self declaration letter dated 20.04.2012 (Annexure P-4) alongwith a copy of the death certificate of his father.

As no action on his representation was taken, the petitioner has filed the instant writ petition seeking directions to the respondents to restore the aforesaid Electric Tube-well connection and to transfer the same in his name.

In the written statement filed on behalf of respondents, it has been admitted that the aforesaid Tube-well connection was issued in the name of father of the petitioner and that it was disconnected on 17.12.1995 due to non payment of outstanding amount of Rs. 3940/-. It is also stated that from time to time, the respondent-Board had issued commercial circulars giving opportunity to consumers whose connections were permanently disconnected to apply for restoration of the electric tube-well connections. Reference has been made in this regard to commercial circular No.42/2002 and commercial circular No.64/2006. As per these circulars, the persons whose electric tube-well connections were lying permanently disconnected, could get their connections restored subject to availability of system and recovery of Rs. 5,000/- in lump sum per

connection alongwith outstanding dues. It is stated that as per these circulars, the applications were to be submitted within stipulated time. As per the last commercial circular No.64/2006, consumers whose tube-well connections had been disconnected upto 30.09.2005 were covered. The validity of the scheme was upto 31.03.2007. It is further stated that the petitioner never applied in response to the aforesaid circulars and as of now there is no scheme/circular wherein the Tube-well connection of the petitioner can be restored.

Learned counsel for the petitioner contends that the petitioner was not in a good financial position at the relevant time to apply for restoration of Tube-well connection. Learned counsel states that he would repay the outstanding dues and is also willing to incur costs for reconnection purposes.

The petitioner is a small and marginal farmer having only 26 Kanal, 7 Marlas of land. It is well known that as per the prevalent cropping pattern, a farmer can only sustain himself if his irrigation needs are met through an electric tube-well connection. The costs of operating a tube-well through any diesel operated engine are prohibitive and beyond the capacity of a small farmer.

The farming community is passing through a great crisis. Even the number of reported suicides, which number is shockingly staggering, do not fully convey the depth and extent of the crisis. In these circumstances, an electric tube-well connection is perhaps the most valuable resource of a small and marginal farmer making a difference between indebtedness and bare sustenance.

In this background and in view of the special facts and circumstances of this case, even though there is no existing policy at present for restoration of electric connection of tube-well, it is deemed appropriate that the application of the petitioner be directed to accepted. The respondent-Board is accordingly directed to restore the electric Tube-well connection in the name of the petitioner, subject to his depositing the outstanding amount and any other dues, as is required to be deposited at the time of restoration in terms of latest commercial circular No. 64/2006.

The needful be done at the earliest and in any case within a period of two months from the date of receipt of certified copy of this order.

08.12.2015
dkw

(Harinder Singh Sidhu)
Judge