

**117-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No.5595 of 2015 (O&M)

Date of Decision: October 21, 2015

Uttar Haryana Bijli Vitran Nigam Limited and another Appellants

vs.

M/s Nature Poultries

Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. K.S. Malik, Advocate for the appellants.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 03.07.2015 passed by learned District Judge, Panchkula, vide which the judgment and decree dated 28.11.2014 passed by learned Civil Judge (Jr. Divn.), Panchkula, was reversed and thereby decreed the suit of the plaintiff to the effect that the demand of ₹3,48,500/- as development charges of the land of the poultry farm of the plaintiff as per sale circular No.U-18 of 2008 was held to be illegal and was accordingly set aside directing the defendants to exclude this amount from the regular electricity future bill including interest or penalty imposed thereupon.

Suffice to say that the plaintiff had filed a suit for declaration challenging the levying of ₹3,48,500/- through memo No.291, dated 24.04.2010 as development charges. On the basis of

sale circular No.U-18 of 2008, the learned Civil Judge (Jr. Divn.), Panchkula dismissed the suit of the plaintiff.

However, learned District Judge, Panchkula, found that the connection was granted in the year 2007 and the said circular is not applicable to the case of the plaintiff. Further, it was held that when the connection was granted, the service charges were paid and the development charges claimed by the defendants can be levied only when development charges are higher than the service charges. Further, it was held that it is not proved that the area of the poultry farm falls within the urban area as declared by the Haryana Government Notification No.C.C.P.(N.C.R.)/PKL-R.R./C.A.(B)/2006/3047 dated 04.10.2006. It was further held that the area of the poultry farm falls within the revenue estate of village Dandrolyon which neither falls within the controlled area as notified by the Haryana Government Town and Country Planning Department nor within the municipal area.

The learned District Judge, Panchkula while reversing the judgment and decree of the lower court has given sound reasoning. Thus, No substantial question of law arises in the present case. Only findings of the facts have been recorded.

As such, the present regular second appeal stands dismissed.

October 21, 2015
sarita

(KULDIP SINGH)
JUDGE