

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.11157 OF 2015
Date of Decision: -22.07.2016

Om Parkash

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.V.S. Rana, Advocate,
for the petitioner.

Mr.P.P. Chahar, DAG, Haryana.

Mr.Parminder Singh, Advocate,
for respondents No.2 to 4.

RAKESH KUMAR JAIN, J. (ORAL)

Reply on behalf of respondents No.2 to 4 is filed today in
Court.

This petition is filed for challenging the demand notice dated
14.5.2015 issued by respondent No.4 by which the petitioner has been
directed to pay ₹1 lac as per circular dated 5.5.2015 on account of tubewell
connection.

After notice, the respondents have filed its reply in which it is
averred that the petitioner had applied for tubewell connection on
21.11.2012 under the Scheme of 2012. It is submitted by the respondents
that the said scheme dated 21.6.2012 was superseded by the scheme dated
05.05.2015 in which clause (vii) read as under: -

*“The applicants who had applied upto
31.12.2011 and had deposited the requisite
amount under the earlier scheme, they would*

*be treated under the previous existing
General Category Scheme.”*

It is thus submitted by the respondents that since the petitioner had applied after 31.12.2011, therefore, he is not entitled to be considered under the previous scheme i.e. the scheme which was prevailing before 21.6.2012. He has also submitted that since the scheme dated 21.6.2012 was superseded by the scheme dated 05.05.2015, therefore, the demand has been raised which has to be paid by the petitioner. It is further submitted that the tubewell connection has been given to the petitioner on 1.7.2016 and thus he is estopped from challenging the demand notice.

On the other hand, learned counsel for the petitioner has submitted that though the tubewell connection has been given but the demand notice has been illegally raised.

After hearing learned counsel for the parties and perusing the available record, this Court is of the view that the petitioner is liable to pay the demand raised by the respondent in terms of Clause (vii) of the Scheme dated 5.5.2015.

Disposed of.

22.07.2016
Vivek

(RAKESH KUMAR JAIN)
JUDGE