

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

RSA No.1262 of 2019 (O&M)

Date of decision : 26.02.2019

Dakshin Haryana Bijli Vitran Nigam Ltd. and another

...Appellants

Versus

Ved Parkash

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pawan Kumar Longia, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.3037-C of 2019

For the reasons stated in the application, which is duly supported by an affidavit, delay of 1 day in filing the present appeal is condoned.

Application is allowed.

Main case

Defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Question which arises for consideration is “whether administrative instructions issued by the Power Supply Company can be given effect to with retrospective effect?”

In the present case, the plaintiff-respondent is a farmer, who with a view to irrigate his land applied for the electricity connection for

tubewell. He also deposited ₹22,740/- on 26.03.2010. The connection was not released to him although approved. Thereafter on the basis of the new instructions, he was called upon to deposit further amount of ₹1,39,540/-.

Both the Courts have held that new instructions cannot apply particularly when in the year 2010 i.e. before new instructions came into force, tubewell connection in his favour was approved.

Learned counsel for the appellants has submitted that the feasibility of releasing the connection was being examined and, therefore, there was a delay in releasing the connection. He submitted that after examination of the feasibility study, the actual connection could be released.

This court has considered the submissions. However, find no substance therein. Once connection has been approved, the feasibility study is only for the purpose of giving effect to the electric connection. Once the respondent had been permitted to deposit the requisite charges as per the instructions prevalent at the relevant time, any delay in actual release of connection cannot be a ground to burden the farmer with additional liability under the new instructions.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

26.02.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**