

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

**CWP No.17551 of 2014
Date of decision: 08.05.2019**

Jasbir Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. P.S. Poonia, Advocate,
for respondent Nos.2 to 5.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to change his connection into agriculture power category i.e. Connection No. C-4-026, situated in village Ajizpur, Tehsil Jagadhri, District Yamuna Nagar and to implement the policy of Dakshin Haryana Bijli Vitran Nigam in the Uttar Haryana Bijli Vitran Nigam for change of connection of LT industries to agriculture connection.

Petitioner has taken aforesaid electricity connection for Dairy Development i.e. Connection No.C-4-026 from Uttar Haryana Bijli Vitran Nigam Limited (for short 'UHBVN'). This connection falls in the category of LT industries. Now, the petitioner is using this connection for agriculture purpose. In Dakshin Haryana Bijli Vitran Nigam Limited (DHBVN), connection of LT industries can be changed into agriculture connection.

The General Manager, UHBVN has written a letter (Annexure P-3) to all

the CES (OP), SEs (OP), XEN (OP), JES-1, Incharge in UHBVN for conversion of horticulture tubewell connections into agriculture power category subject to certain conditions.

Petitioner approached the District Consumer Disputes Redressal Forum, Yamuna Nagar and filed complaint No.405/2010, which was decided against the petitioner on 28.10.2011 (Annexure P-4) by observing that as per circular No. U.S./2008 (Annexure P-3), in UHBVN there was no provision for conversion of LT Industrial connection into agriculture connection. The provision of change was only with respect to the Horticulture connection.

Upon notice, written statement on behalf of respondent Nos.2 o 5 has been filed taking a plea that DHBVNL and UHBVNL are different companies operating in different areas and the policies adopted by one cannot be made applicable to the other. It has been further stated that as per Sales Circular No.D-31/2007 (Annexure R-6), a scheme had been introduced for conversion of LT Industrial/Horticulture connection to Agriculture Power connection existing on or before 01.11.2001 and the eligible consumers had to submit written request to the concerned AGM (OP) by 30.06.2007. The said scheme was extended up to 30.04.2008 vide Sales Circular No.D-16/2008 (Annexure R-7). It has been further stated that the order dated 28.10.2011 (Annexure P-4) passed by the District Consumer Disputes Redressal Forum, Yamuna Nagar is correct as per policies of the UHBVNL.

Short question for consideration in the present case is, whether Sales Circular No.D-31/2007 (Annexure R-6) and D-16/2008 (Annexure R-7) issued by DHBVNL can cover the case of the petitioner, who is seeking

change of his connection to Agriculture Power Category.

In the present case, even though DHBVNL and UHBVNL are two separate companies, but both are working under the Government of Haryana. In their written statement, no specific reason has been given by the respondents, as to why a connection of LT Industries cannot be converted into Agriculture connection.

Mr. Punia has argued that under the DHBVNL, there are commercial towns like Gurgaon, Faridabad etc. and the policies of that Nigam are based on separate criteria.

This argument in itself is liable to be rejected keeping in view that agriculturists in the same State cannot be treated separately keeping in view the industrial growth of a particular area. Conversion of horticulture tubewell connection into agriculture power category has been allowed as circulars dated 22.11.2000, 06.06.2002, 24.10.2007 and 28.01.2008 (Annexures R-2 to R-5) keeping in view that there were large number of requests received from the field that Horticulture Tubewell connections were being used for agriculture purposes. In view of the said fact, the matter had been reviewed and decision was taken to give one chance to all Horticulture category consumers to convert their connection to agriculture power category subject to some conditions. Hence, a perusal of the above circulars dated 22.11.2000, 06.06.2002, 24.10.2007 and 28.01.2008 (Annexures R-2 to R-5) shows that one time option was given to change the connection from horticulture to agriculture because the consumers were not using this connection for business purpose.

In the present case, petitioner had taken a connection for dairy development, which comes under the LT industrial category, at village

Ajizpur, Tehsil Jagadhri, District Yamuna Nagar and it is being used for agriculture purposes. Hence, time and again, he has been making requests to change the connection from LT industrial to agricultural. In this regard, he made a first representation on 20.07.2007 (Annexure P-1) and now, almost 11 years have gone by and the petitioner is being charged under the LT industrial category.

In the above background, instructions/Sales Circular No.D-31/2007 (Annexure R-6) and Sales Circular No.D-16/2008 (Annexure R-7) can be examined. The consumers, who were granted LT/SP category connections, were actually, using those connections for agriculture purpose. Therefore, one time opportunity was granted to convert the horticulture connection under LT industrial category to AP category. The conversion was allowed keeping in view the fact that persons, in whose name LT industrial category connections were allotted, were using the same for agricultural purpose for a long time. This conversion was allowed subject to some terms and conditions, which are reflected in sales circulars (Annexures R-6 & R-7). In fact, the object of giving one time conversion was only to give benefit to the agriculturists to pay electricity bills for the purpose of which, the tubewell was being used. Petitioner has already made representation dated 20.07.2007 (Annexure P-1). He has been given an option to get his connection converted into agriculture power connection. There should not be discrimination on the ground that DHBVNL and UHBVNL are two separate companies. Rather, one time option should have been given to all LT industrial connection holders to convert their connections into agriculture power category.

Resultantly, this petition is being allowed and a direction is given

to the respondents to convert the connection of petitioner from LT industrial category to agriculture power keeping in view the Sales Circulars (Annexures R-6 & R-7) issued by the DHBVNL.

08.05.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No