

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

**CWP-4086-2017 (O&M)
Date of Decision:08.01.2019**

Jasbir Singh & another

... Petitioners

Versus

Punjab State Power Corporation Limited & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.L. Chander Shekhar, Advocate for the petitioners.

Mr. Suveer Sheokand, Advocate for the respondents.

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TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, the petitioners herein who are two in number had applied for agricultural electric connection (tubewell) on 16.04.2007 and 24.04.2008 to the competent authority under the Punjab State Power Corporation Limited.

Prayer in the instant petition is for issuance of a mandamus for directing the respondent/Corporation to release such electric connection (tubewell) by issuance of demand notice in favour of the petitioners.

Counsel for the petitioners has vehemently argued that while applying for tubewell connections, all the necessary formalities had been complied with and thereafter even an inventory had been prepared and the petitioners are ready and willing to deposit requisite amount of money as may be demanded by the Corporation so as to facilitate the release of agricultural electric connection (tubewell). It is argued that without any justifiable basis the requisite connections are being denied.

The prayer of the petitioners has been opposed by the Corporation in terms of filing a written statement.

Appended along with the reply is a commercial circular letter bearing No.22/2016 issued vide memo dated 22.07.2016 and which is on the subject of policy and guidelines for release of agricultural tubewell connections in the State of Punjab for the year 2016-17.

Perusal of the circular letter at Annexure R-1 reveals that a cut off date for release of connections had been stipulated for different categories.

Insofar as the present case is concerned, Clause 1 (iii) would be relevant and is reproduced hereunder:

III	General category (Where full cost of the material is to be borne by the applicant-as per CC-05/2014 & 14/2016)	1) For applicant having land 1 Acre to 2.5 acre who has not any connection of tubewell date 15/03/2016. 2) For Applicant having land from 2.5 acre to 5 Acre who has not any tubewell connection date 31/03/2007.
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A perusal of the afore reproduced clause would clarify that for applicants having landholding 2.5 acres to 5 acres, the cut off date for submission of applications for purposes of issue of demand notice is 31.03.2007.

There is no challenge at the hands of the petitioners to such commercial circular letter dated 22.07.2016 (Annexure R-1). Even the contents thereof are not disputed.

The conceded position of fact is that both the petitioners had applied for tubewell connections after the cut off date of 31.03.2007 i.e. on 16.04.2007 and 24.04.2008 respectively.

In the written statement, it has been categorically stated that both the petitioners have landholding of atleast 2.5 acres. The written statement was furnished to counsel for the petitioners in the month of December, 2017. No rebuttal to the stand taken on behalf of the respondent/ Corporation has been made in terms of filing any replication to the written statement.

In view of the above, the prayer made in the instant writ petition cannot be accepted.

Writ petition is dismissed.

08.01.2019

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |