

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

212/2

**CWP-26107-2017 (O&M).
Date of decision: 20.09.2022.**

Uttar Haryana Bijli Vitran Nigam Limited

...Petitioner

Versus

**Permanent Lok Adalat for Public Utility Services, Karnal and
another**

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Ramesh Sindhar, Advocate, for respondent No.2.

VINOD S. BHARDWAJ. J.

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking quashing of the impugned order dated 15.06.2017 (Annexure P-8) passed by respondent No.1 Permanent Lok Adalat (Public Utility Services), Karnal, whereby the application filed under Section 22 (C) of the Legal Services Authority Act, 1987, by respondent No.2 had been allowed and the petitioner distribution licensee was directed to release the electricity connection subject to the petitioner completing all the requisite formalities under the Tatkal Scheme for getting the benefit and secure the release of the electricity connection.

Briefly summarised, the facts of the present case are that respondent no.2- applicant had applied for release of the electricity connection with the petitioner (respondent therein) and an amount of Rs.3500/- was deposited vide receipt No.100842 dated 31.03.2015. It was alleged that despite the entire infrastructure having been installed by respondent No.2-applicant, electricity connection to the tubewell was not released. Respondent No.2-applicant was advised to apply under the Tatkal Scheme for release of tubewell connection and she was ready and willing to abide by all the terms and conditions. The claim/petition was filed for securing release of the electricity connection under the Tatkal Scheme.

Upon institution of the complaint, notice was issued to the petitioner and a response was filed by the petitioner (respondent therein) to the effect that the instructions had been issued vide sale circular of No.6 of 2017 as per which the land where the respondent No.2/applicant sought the release of electricity connection was notified as dark zone and as such, electricity tubewell connection could not be released.

Notwithstanding the legitimacy of the aforesaid notification, the object and also the enforceability of the same, respondent No.1 - Permanent Lok Adalat (Public Utility Services) Karnal, accepted the petition and directed the release of the electricity connection under the Tatkal Scheme by fulfilling all the conditions. The aforesaid award is the subject matter of challenge in the present writ petition.

Notice of motion was issued and a stay was granted.

Learned counsel appearing on behalf of the petitioner contends that during pendency of the present petition, the DHBVNL had

reviewed the sale circular for release of the tubewell connection in the notified area. He contends that based upon clarification received from the concerned Water Authority, the Government of Haryana had approved the release of tubewell connections in dark zone subject to certain conditions. He contends that by virtue of the above sale circular No.D-36-2021, the sale circular No.6 of 2017 stands superseded and the sale circular No.D-36 of 2021 has been amended. He further places reliance upon the sale circular No.D-36-2021 on the subject captioned above as per which the applicants who had applied upto 31.12.2018, in the notified area have been directed to consider for release of connections subject to the conditions specified in the sale circular. The said sale circular is in supersession of sale circular No.D-36 of 2021. He contends that in view of the sale circular issued by the authorities, the earlier notifications of the dark zone ceased to exist and that the petitioner has no objection to release of the electricity connection in accordance with the sale circular No.D-36 of 2021 that has been issued by the authorities subject to respondent No.2/applicant fulfilling all the terms and conditions incorporated therein.

Learned counsel appearing on behalf of respondent No.2/applicant does not object to the aforesaid contention and claims that she is ready to fulfill the eligibility conditions prescribed in the fresh sale circular.

Accordingly, the present writ petition is disposed of modifying the order dated 15.06.2017 (Annexure P-8) passed by respondent No.1 - Permanent Lok Adalat (Public Utility Services), Karnal, to the effect that the release of connection shall be undertaken by

the petitioner in terms of sale circular No.D-36/2021 subject to respondent No.2 -applicant fulfilling all the terms and conditions prescribed therein.

Learned counsel appearing on behalf of the petitioner, submits that electricity connection shall be released in accordance with the procedure prescribed under the Statute upon completion of the requisite conditions and fulfilling the requirements of the Statute by respondent No.2-applicant.

Learned counsel appearing on behalf of respondent No.2/ applicant does not object to the aforesaid contention and that respondent No.2/applicant is ready to fulfill the eligibility conditions prescribed in the fresh sale circular.

Accordingly, the present writ petition is disposed of modifying the order dated 15.06.2017 (Annexure P-8) passed by respondent No.1 - Permanent Lok Adalat (Public Utility Services), Karnal, to the effect that the release of connection shall be undertaken by the petitioner in terms of sale circular No.D-36 of 2021 subject to respondent No.2/applicant fulfilling the terms and conditions prescribed therein.

The petition is disposed of accordingly.

September 20, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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