

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

253

CWP-32864-2019

Date of decision: 13.12.2022

KANWAR SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Santosh Kumar Tripathi, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. R.S. Longia, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents authorities to consider the case of the present petitioner and decide the representation dated 24.08.2018 and another representation dated nil (Annexures P/1 & P/2).

Briefly summarized, the facts of the case are that the father of the petitioner is stated to have been granted an electricity connection bearing Account No. SY-5/63 for irrigation of the agriculture land. In the year, 1993 the electricity connection of the petitioner was declared as PDCO. The petitioner contends that the respondent-authorities was raising demand of Rs. 64,664/-. He contends that he is ready and

willing to pay all the bills and due amount so as to seek the re-connection.

A written statement on behalf of respondent No.3 has been filed wherein it has been averred that the tubewell connection in the name of Dharam Singh son of Shiv Nath is disconnected in the year 1999 on account of default in payment of electricity bills during his life time. The present petition was filed after a period of 20 years for seeking restoration of electricity connection. Reference has been placed to Clause 2.3 of the instructions issued by the respondent-Nigam in its sale Circular No. D-7 of 2004 dated 27.02.2004 to contend that once the agricultural tubewell connection has been permanently disconnected, an application for restoration thereof can be submitted only within a period of 02 years. After the said period of limitation comes to an end, an applicant-consumer has to comply with the requirements and formalities for release of a new connection. Hence, it is not to be construed as a case of re-connection of PDC, rather, the same would be a fresh connection to be released in accordance with the guidelines/regulations and circulars of the distribution licensee.

The said response was filed by respondent No.3-Distribution licensee in the year 2020 and no replication controverting or refuting the aforesaid stand was filed by the petitioner.

In view of the undisputed factual matrix and the default being of more than 20 years as on the date of filing of the present petition as also the provision contained in the Sale Circular against re-connection of PDC for a period of 02 years, the present petition can be allowed. The same is accordingly dismissed. Liberty is, however,

granted to the petitioner to move an appropriate application in terms of the applicable sale Circular/regulations of the distribution licensee to seek a fresh connection in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 13, 2022

Vishal sharma

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