

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

112

CWP-2998-2023

Date of Decision: 11.04.2023

BIJENDER SINGH AND OTHERS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. B.S. Tewatia, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking quashing of letter dated 19.07.2022 (Annexure P-4) issued by the respondent-Distribution Licensee demanding the estimates for release of tube-well connection.

Learned counsel for the petitioners contends that the petitioners had applied for release of tube-well connection under the then applicable policy of the respondent-State. The applications in this regard were submitted during the period from 01.01.2014 to 31.12.2018 on different dates and the last date being 31.12.2018.

The respondent no.2 – DHBVBL had issued a policy for release of tube-well connections, being five-star energy efficient pump-sets, on fulfillment of the terms and conditions prescribed therein. Accordingly, a commercial Sales Circular No.D-22 of 2020 dated 07.09.2020 was issued by the Chief Engineer (Commercial) DHBVNL, Hisar. He submits that the petitioners had initially deposited an amount of Rs.30,000/- and had also deposited the estimated amount for release of the tube-well connection,

however, the respondents have now revised the estimated amount and they are demanding the differential amount for release of the connection. He contends that respondent-Distribution Licensee cannot revise the estimate amount conveyed to them earlier and raise an additional demand. He further contends that as per the Sales Circular No.D-22 of 2020, the respondents were required to release the connection within a period of six months and that they having failed to do the same, the petitioners cannot be burdened with additional cost and liability of revised estimate.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent No.1 and prays for some time to complete instructions and file response, if necessary.

Mr. Vivek Saini, Addl. A.G., Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to accept notice on behalf of respondents No.2 to 5.

Learned counsel for the respondent-Distribution Licensee contends that the Sales Circular No.D-22 of 2020 had been issued on the subject of release of tube-well connections and for payment of interest on the amount deposited, for delay in release of the tube-well connections to the applicants who had applied during the period from 01.01.2014 to 31.12.2018.

Even though the petitioners had applied for release of tube-well connection from 2014 to 2018, however, they want consideration of their claim in terms of the subsequent instructions/ policy issued by the respondent-Distribution Licensee for release of tube-well connections with five-star energy efficient pump sets, under the Sales Circular No.D-22 of 2020. In case the

petitioners wish their case to be considered under the aforesaid sale circular, they are required to fulfill the eligibility conditions as prescribed thereunder. The petitioners have not referred to or relied upon the policy under which they had earlier submitted their application for seeking tube-well connection and their entitlement, if any, of consideration of the claim would otherwise be examined as per the erstwhile policy. However, since an expeditious release of tube-well connection on account of five-star energy efficient tube-well/motor pump sets is being sought under the Sales Circular No.D-22 of 2020, hence, the consumer is required to fulfill the terms and conditions prescribed thereunder. As a matter of fact, the DHBVNL has already taken a decision to grant interest on the amount deposited by the tube-well applicant against the application money, cost of motor pump sets and the amount towards electrical infrastructure, if the connections had not been released within a period of six months. He contends that the obligation of the respondent-Distribution Licensee to release the connection within a period of six months comes into being only upon fulfillment of the terms and conditions of the policy/Sales Circular No.D-22 of 2020. Since the petitioners have not fulfilled their obligations as per the terms and conditions specified in the Sales Circular No.D-22 of 2020, hence, the mandatory period of six months could not be set in motion. In the event the petitioners seek release of tube-well connections under the said policy, they are required to apply under the said policy and fulfill the terms and conditions prescribed thereunder.

I have heard the learned counsel for the respective parties and have gone through the documents and record available on case file with their able assistance.

Perusal of the documents clearly shows that the petitioners had submitted their applications during the period of 01.01.2014 to 31.12.2018 under the erstwhile Sales Circulars. The said sales circulars have, however, not been attached by the petitioners alongwith the present petition, hence, it could not be known as to whether the petitioners were eligible for release of electricity connection for the tube-well under the said sales circular or not. The respondent-Distribution Licensee has floated a new Sales Circular bearing No.D-22 of 2020 to release tube-well connection to the eligible consumers who are willing to install five-star energy efficient tube-well pump sets. The applicants, who had submitted their applications earlier, were also being considered provided they fulfill the terms and conditions prescribed in the instant sales circular. It is also not in dispute that the revised estimate was duly conveyed to the petitioners by the respondent-Distribution Licensee and that the abovesaid differential amount of the estimate has not been deposited by the petitioners herein. Accordingly, in the absence of the petitioners having not fulfilled the requirements/terms and conditions as prescribed in the Sales Circular No.D-22 of 2020, it cannot be held that the respondent-Distribution Licensee is bound to release the tube-well electricity connections in favour of the petitioners notwithstanding the terms and conditions prescribed in the Sales Circular No.D-22 of 2020.

The petitioners have not raised any challenge to the terms and conditions of the Sales Circular No.D-22 of 2020, rather they want consideration of their case under the said Sales Circular No.D-22 of 2020. In the absence of any challenge to the terms and conditions of the Sales Circular No.D-22 of 2020 and its pre-requisites, the consumer/applicant is required to

satisfy the requirements prescribed in the said Sales Circular for being eligible thereunder.

Hence, I find no merit in the present petition and consequently, the same is, hereby, dismissed.

Liberty is however, granted to the petitioners to pursue their remedies before the Authorities concerned in accordance with law.

11.04.2023.
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(VINOD S. BHARDWAJ)
JUDGE

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