IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-2249-2019 (O&M)
Date of decision: 20.08.2024

Dr. Sudesh Kumar Singhal ...Petitioner

VERSUS

State of Haryana and others ...Respondents

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

Present :- Mr. Vivek Aggarwal, Advocate with
Mr. Kewal Krishan, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG Haryana.

Mr. Vivek Chauhan, Advocate for respondents No.2 to 4.

Mr. Ajay Ghangas, Advocate for respondent No.5.

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VINOD S. BHARDWAJ, J. (Oral)

CM-14728-CWP-2019

Application is allowed as prayed for subject to all just exceptions. Reply filed on behalf of respondent No.5 is taken on record.

Registry is directed to tag the same at an appropriate place with its paging.

Main case:

1. Challenge in the present petition is to the directions/instructions issued vide letter dated 06.03.2018 by respondent No.4-SDO(OP) S/Division, UHBVN, Pipli, District Kurukshetra to respondent No.5-Developer whereby it has been conveyed to the said respondent to transfer the land for establishment of 33 KV grid station as per approved

electrification plan by the Chief Engineer, Operation UHBVN, Panchkula, vide his memo No.Ch-66/F-90 dated 22.10.2009 and also to submit a fresh electrification plan.

2. Learned counsel for the petitioner contends that the petitioner is a qualified Medical Practitioner and claims having obtained the degree of Doctor of Medicine (MD) from Himachal Pradesh University in the year 1987. He had purchased a fully developed site of a Nursing Home in Sushant City, Sector 32, Karnal Road, Kurukshetra developed by respondent No.5 to provide medical facility to the public at large including the residents. Respondent No.5 had disclosed that the development works in the said colony had already been completed by them and had also obtained the completion certificate from the competent authority and that the plot for Nursing home had been earmarked in the said Sushant City as a part of the approved lay out plan of the colony. Accordingly, the petitioner agreed to purchase Plot No.0038-0-NHE for constructing a three storey Nursing Home besides basement and having a total covered area of approximately 16200 sq. feet to provide multiple specialized medical facility to the public at large. The site in question was transferred by respondent in favour of the petitioner vide transfer letter dated 11.10.2011 but they delayed in offering possession of the said Nursing Home site to the petitioner. Eventually, vide conveyance deed No.2041 dated 18.05.2012 the above said plot measuring 1200.64 sq. meter in Block-E of Sushant City, Kurukshetra was sold to the petitioner for a consideration of Rs.47,38,686/-. It is averred that after approval of the zoning plan, the construction of the Hospital was raised with a further

investment of around Rs. 1.5 crores and a Cardiac Cath Lab and other machines as well as facilities were also installed after investing huge sums of money. The petitioner thereafter submitted an application to the respondents along with all the statutory charges for the release of an electricity connection. Inspection of the premises of the petitioner was also carried out by the respondent-Distribution Licensee. The petitioner had since then been visiting the office of the respondents from time to time but electric connection has not been released. Instead the petitioner has now received a letter dated 06.03.2018 whereby the Sub-Divisional Officer (OP), Pipli had written to the developer to submit a fresh electrification plan within 7 days failing which the electricity connection would be disconnected without giving any further notice. Hence the present petition.

3. In the reply filed by respondents No.2 to 4, it has been averred that the present petition did not disclose correct facts and that the filing of the same is a misuse of the process of law. It has been averred that the petitioner has no right to seek directions, as asked for, since the colony in question was developed by a private Colonizer and as per the electrical lay out plan approved vide letter dated 22.10.2009, the work of electrification was to be completed within 05 years but the same had not been completed even till the said date. Accordingly memo no.819 dated 06.03.2018 was written to the respondent No.5-Developer for submission of a fresh electrification plan within 07 days and to ensure compliance of the statutory conditions incorporated. It was thus averred that the above said communication is *inter se* between the Distribution Licensee and the

colonizer and there is no occasion or locus with the consumer to seek an exemption from enforcement of the conditions of the electrification plan or the mandate of the electrification plan to be got approved from the Distribution Licensee. It is also averred that one HT connection of 290 KW to 446 KW is already running in the said area w.e.f. 28.08.2014 after EOL on regular basis. A new connection was approved on 13.05.2017 for 150 KW in the name of M/s Smiss Hospital, Sushant City, Sector-32, Kurukshetra and the load was sanctioned on 13.06.2017 but owing to said legal issues, an advice was sought by the Superintending Engineer for releasing the connection. A communication was received that the colonizer be asked to deposit the estimate for layout of HT/LT line in the said area, being part of condition no.23 of the electrical layout plan as approved. Thus all electrical works, including installation of distribution of transformer, erection of pole and construction of 33 KV Sub-station is required to be completed and that the respondent-Distribution Licensee shall take over the network only after the completion of electrical works within the stipulated period and since the said period had already elapsed, the developer was asked to submit the fresh layout plan as per the latest instructions issued by the Distribution Licensee. The colonizer on the other hand, was also required to submit the estimate for internal electrification (after approval of the electrification plan) which was to be sanctioned by the competent authority and after sanctioning of the internal electrification, the supervision charges @ 1.5 percent of the estimate cost had also to be deposited. The material inspection of electrification work is required to be undertaken by the officials. After the completion of the internal electrification work, the consumer is to apply for an independent feeder. In the present case, the colonizer did not complete any of the said work. It is further averred that a 33 KV grid Sub-station was earlier approved on 22.10.2009 and that as per the terms and conditions on which the electrification plan was approved, the colonizer is duty bound to transfer land under the 33 KV grid Sub-station to the Distribution Licensee. The said request was also not acceded to by the colonizer, hence, there is breach of terms and conditions of the electrification plan and that the relationship is *inter se* between the respondent-Distribution Licensee as well as the colonizer who is currently in default.

4. A pointed query was raised from the learned counsel representing the respondent-Distribution Licensee as to the applicable regulations governing the project. It was also asked as to whether any Bank Guarantee was furnished or not and as to what is the status of the Bank Guarantee considering that a period of 15 years had elapsed since grant of initial approval. Learned counsel could not answer any of the said issues and pleaded lack of instructions and assistance from the respondent-Distribution Licensee.

5. A separate reply was also filed on behalf of respondent No.5-colonizer, wherein it had been averred that there is no relief that had been asked for from respondent No.5 and that as per Section 43 of the Electricity Act, 2003, the respondent-Distribution Licensee is under an obligation to provide electricity supply. There is however no response as to whether

respondent No.5 is compliant of the terms and conditions of the approval granted by the respondent-Distribution Licensee or not.

6. A specific query was also posed to the learned counsel about whether the Bank Guarantee was furnished in terms of the electrification plan and whether the internal layout had been done or not. Query was also posed as to whether the respondent colonizer is under liquidation or whether any proceedings under the Insolvency and Bankruptcy Code, 2016 are pending or not. The counsel submits that he has no instructions in the matter and has no assistance but specifically submits that there are no proceedings under the Insolvency and Bankruptcy Code, 2016 or Companies Act for liquidation and that there is no moratorium.

7. Even the learned State counsel pleads ignorance and contends that the matter is *inter se* between the respondent-Distribution Licensee and the developer and the State has no role in the matter.

8. This is thus a classic case where counsel for all the parties plead lack of instructions about the status, role or even obligation under any regulation. Facing lack of assistance and the grievance of the consumer for electric supply for more than 12 years, it was decided to proceed further in the matter instead of unnecessarily delaying the matter to accommodate the respondents who are clearly insensitive to the case.

9. Learned counsel for the petitioner has submitted that the petitioner has committed no default and that he purchased the property after paying the entire sale consideration to the colonizer but the electricity supply is not being provided to him. He contends that in the *inter se* battle between

the respondent-Distribution Licensee and the colonizer, the petitioner-consumer is the real sufferer. He contends that the petitioner has approached respondent No.5 as well and that even though they have already received the above said memo dated 06.03.2018 but no steps have been taken by respondent No.5 to satisfy the conditions prescribed thereunder, leaving no remedy with the petitioner but to approach this Court. He contends that as per the reply filed on behalf of respondent No.5, there was no requirement of 33 KV Sub-station and as such, the demand for transfer of land for establishment of 33 KV Sub-station is unsustainable. He contends that Executive Engineer had directed the Sub-Divisional Officer to execute the work but notwithstanding the same, the electricity connection has not been released.

10. Learned counsel for respondents No.2 to 4 has on the other hand reiterated the submissions noticed above and have contended that the petitioner has no *locus-standi* or merit. The actual dispute, if any, would only be against the colonizer but at this juncture, the present petition has been filed as a proxy on behalf of respondent No.5-colonizer, who is in non-compliance of the essential terms and conditions for grant of sanction to the electrification plan. The conditions so imposed in the electrification plan are not a subject matter of challenge in the present writ petition and that after a gap of nearly 15 years of imposition of terms and conditions, the petitioner cannot seek an exemption/non-compliance of the said terms and conditions. In the event of the petitioner suffering any loss on account of non-performing of any obligation by respondent No.5, he would have his remedy

in filing of an appropriate claim against the respondent who is in default and failing to fulfill the promises and assurances given by him to the intending purchaser of the plots in the said locality.

11. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

12. A perusal of the letter under challenge dated 06.03.2018 (Annexure P-16) shows that the said letter was addressed to respondent No.5-Ansal Property & Infrastructure Ltd. The same reads thus:-

> "***To***
>
> ***Ansal Property & Infrastructure***
> ***Sector-32, Sushant City,***
> ***Kurukshetra.***
>
> ***Memo No.819 Dated: 06.03.2018***
>
> ***Subject: Transfer of land of 33 KW S/S and submission of Bank Guarantee.***
>
> ***Reference: API/KUK/ES/SPL-1 dt. 15.09.2017, Memo No.1901 dt.28.11.17, Memo No.528 dt. 6.02.18.***
>
> ***In this regard it is intimated that you have deposit the estimate for internal electrification on dt. 16.09.2017 it is clarify that after the approval the electrification plan the Ist step is to give the estimate for internal electrification which was got sanction by the competent authorities after sanctioning the estimate for internal electrification you will deposit the supervision charges i.e. 1.5% of estimate cost after that the material inspection is done of the material which is to***

be erected on site. After the material inspection done by the competent authority, you are authorized to complete the electrification work i.e. (electrical line, pole, conductor, T/f, etc.).

After the completion of electrification work you can apply for independent feeder but you were not complete the formalities in a right manner.

Regarding 33 KV grid substation as per approved electrification plan by The Chief Engineer, Operation UHBVN, Panchkula vide his Memo No. Ch-66/F-90 dated 22.10.2009. It is the duty of colonizer to give land to the UHBVNL and construct the power house and hand over the power house to UHBVNL after completing all the formalities as per electrification plan.

It is requested to you give the land of power house to the Nigam. As per your electrification plan the load requirement up to December 2017 his 5 MVA. Which could not be run on the independent feeder.

The estimate is given by you is return in original with remarks that the estimate is not prepared as per electrification plan approved by the competent authority.

So you are requested to submit the fresh electrification plan within 7 days otherwise your electric connection will be disconnected without give any notice to you

and you will be fully responsible for any consequences arise later on.

Sd/- SDO Op' S/Divn.
UHBVN, Pipli."

13. As per the averments contained in the said communication/letter, the electrification plan submitted by respondent No.5-developer was approved on 22.10.2009 which prescribed establishment of a 33 KV grid Sub-station and transfer of land by the developer in favour of the Distribution Licensee. The power house was required to be constructed and handed over to the Distribution Licensee after completion of all the formalities, as per the electrification plan. It has also been conveyed that as per the electrification plan the load requirement upto December, 2017 was 5 MVA which could not be run on an independent feeder and a Sub-station was required to be established. It was also pointed out that the earlier electrification was approved in the year 2009 and that the necessary compliance was to be done in a time bound manner but as the compliances have not been done over a period of nearly 09 years, hence, a fresh electrification plan was required to be submitted. The respondent-Developer is stated to have neither submitted any fresh electrification plan nor complied with the essential terms and conditions of the initial sanctioned electrification plan so far. The petitioner has approached this Court highlighting his grievances and he having no way to seek enforcement of the terms and conditions of the electrification plan.

14. The terms and conditions of the electrification plan are not a

subject matter of challenge and respondent No.5-colonizer has no where stated in his reply that he is compliant of the terms and conditions that were imposed in the electrification plan by respondents No.2 to 4.

15. Before understanding the difficulties espoused by the petitioner, it is essential to examine the governing provisions for release of connection in a plotted colony developed by a private colonizer.

16. A license for grant of permission to develop a land into a colony is governed by the provisions of **the Haryana Development and Regulation of Urban Areas Act, 1975**. The relevant provisions of the Act and the Rules framed thereunder reads thus:

> "*Section 2:*
>
> *(c) "colony" means an area of land divided or proposed to be divided into plots or flats for residential, commercial, industrial, cyber city or cyber park purposes or for construction of flats in the form of group housing or for the construction of integrated commercial complexes or for division into plots for low-density eco-friendly colony, but an area of land divided or proposed to be divided:-*
>
> *(i) for the purpose of agriculture; or*
>
> *(ii) as a result of family partition, inheritance, succession or partition of joint holding not with the motive or earning profit; or*
>
> *(iii) in furtherance of any scheme sanctioned under any other law; or*

(iv) by the owner of a factory for setting up a housing colony for the labourers or the employees working in the factory; provided there is no profit motive; or

(v) when it does not exceed one thousand square metres or such less area as may be decided from time to time in an urban area to be notified by Government for the purposes of this sub-clause, shall not be a colony;

(d) ["colonizer" means an individual, company or association or body of individuals, whether incorporated or not, owning 7 [xxx] land for converting it into a colony and to whom a licence has been granted under this Act and shall include a developer];

(g) "external development works" shall include any or all infrastructure development works like water supply, sewerage, drains, provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and/or any other work which the Director may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area;

(i) "internal development works" means- (i) metalling of roads and paving of footpaths; (ii) turfing and plantation with trees of

open spaces; (iii) street lighting; (iv) adequate and wholesome water supply; (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and (vi) any other work that the Director may think necessary in the interest of proper development of a colony;

3. Application for licence—[(1) Any owner desiring to convert his land into a colony shall, unless exempted under section 9, make an application to the Director, for the grant of license to develop a colony in the prescribed form and pay for it such fee and conversion charges as may be prescribed: [xxx];

Provided that if the conversion charges have already been paid under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), no such charges shall be payable under this section;

Provided further that owner may enter into an agreement jointly or severally with a developer for pooling of land for grant of licence;

Provided further that in case of migration of licence, the colonizer shall pay the outstanding renewal fee with interest accrued upto the date of payment. However, the external development charges including interest paid thereon for the area under migration shall be adjusted in the licence and the colonizer shall not be liable to deposit the unpaid interest *amount on external development charges and infrastructure development charges of the existing project. The conversion charges, licence fee, infrastructure development charges already paid shall be adjusted in case the amount to be paid for migration at the current rate is more than the earlier paid in case of existing project;*

Provided further that for such colonies located in such land use zones of various notified development plans, where in the opinion of the Government, the licences are to be issued after invitation of bids or following an auction procedure in pursuance of the policy framed by the Government in this regard from time to time, such application shall be considered to be valid only if it is filed in response to a notice of the Director and fulfils the prescribed terms and conditions;

(1A) All such applications received in response to the notice issued by the Director against policy for auction of licences that are considered to be in order by the Director shall, in addition to the prescribed requirements, also be liable for payment of location premium, as determined through the bidding/auction process, in such manner and in such time frame as conveyed by the Director. The amount received against location premium shall be utilised for provision, maintenance and augmentation of external development works and shall be recovered in addition to the prescribed rates of

development charges received against external development works from a colonizer;

(2) On receipt of the application under sub section (1), the Director shall, among other things, enquire into the following matters, namely :-

(a) title to the land;

(b) extent and situation of the land;

(c) capacity to develop a colony;

(d) the layout of a colony;

(e) plan regarding the development works to be executed in a colony; and

(f) conformity of the development schemes of the colony land to those of the neighboring areas.

(3) After the enquiry under sub section (2), the Director, by an order in writing, shall:-

(a) grant a licence in the prescribed form, after the applicant has furnished to the Director a bank guarantee equal to twenty five per centum of the 34[estimated cost of development works in case of area of land divided or proposed to be divided into plots or flats for residential, commercial or industrial purposes and a bank guarantee equal to thirty-seven and a half per centum of the estimated cost of development works in case of cyber city or

cyber park purposes] as certified by the director and has undertaken–

(i) to enter into an agreement in the prescribed form for carrying out and completion of development works in accordance with licence granted;

(ii) to pay proportionate development charges if the external development works as defined in clause (g) of section 2 are to be carried out by the Government or any other local authority. The proportion in which and the time within which, such payment is to be made, shall be determined by the Director.

(iii) the responsibility for the maintenance and upkeep of all roads, open spaces, public park and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be;

[(iv) to construct at his own cost, or get

constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, in a period as may be specified, and failing which the land shall vest with the Government after such specified period, free of cost, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit:

Provided that in case of licenses issued prior to the notification of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, the licensee, the purchaser or the person claiming through him shall construct the school, hospital, community centres and other community buildings on the land set apart for this purpose, within a period of four years, extendable by the Director by another period of two years, for reasons to be recorded in writing, from the notification of the Haryana Development and Regulation of Urban Area (Amendment and Validation) Act, 2012:

Provided further that at the end of the period as specified *under the proviso, if the site is not utilised for the purpose, it was meant for, the land shall vest with the Government and in which case, the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit:*

Provided further that a show cause notice and an opportunity of hearing shall be issued before vesting the land in the Government;

Provided further that the applicant shall be exempted from the provisions of this clause where compliance of clause (iv-b) is sought by the Director.

(iv-a) to pay proportionate cost of construction of such percentage of sites of such school, hospital, community centre and other community buildings and at such rates as specified by the Director;

(iv-b) to hand-over the possession and transfer the ownership of such land, as demarcated and identified in the approved layout plan, in such form and manner, as may be specified by the Director and such land shall vest with the Government to achieve the objective of creation of community buildings, housing, commercial and other physical and social urban infrastructure, in such colonies where a condition to this effect is imposed by the

Director, before grant of licence;

(v) to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted;

(vi) to fulfill such terms and conditions as may be specified by the Director at the time of grant of licence through bilateral agreement as may be prescribed:

Provided that the Director, having regard to the amenities which exist or are proposed to be provided in the locality, is of the opinion that it is not necessary or possible to provide one or more such amenities, may exempt the licensee from providing such amenities either wholly or in part;

Provided further that the applicant shall have an option to mortgage a part of the land for which licence has been granted or being granted in lieu of submission of bank guarantee against cost of internal development works and external development works.

(b) refuse to grant a licence, by means of speaking order, after affording the applicant an opportunity of being heard.

(4) The license so granted shall be valid for a period of 44 [five years], and will be renewable from time to time for a

period of 45[two years], on payment of prescribed fee:

Provided that in the licensed colony permitted as a special project by the Government, the license shall be valid for a maximum period of five years and shall be renewable for a period of as decided by the Government.

(5) Each colony may comprise of one or more licences with contiguous land pockets.

(6) After the coloniser has laid out the colony in accordance with the approved layout plan and executed the internal development works in accordance with the approved design and specifications, he may apply to the Director for grant of completion or part-completion certificate. The Director may enquire into such matters, as he deems necessary before granting such certificate.

(7) After enquiry under sub-section (6), the Director may, by an order in writing, grant completion or part-completion certificate on such terms and conditions and after recovery of infrastructure augmentation charges, as may be prescribed:

Provided that where in the agreement executed to set up a colony, a condition was incorporated for deposit of surplus amount beyond maximum net profit @ 15% of the total project cost and the coloniser has not taken the completion certificate of the said project, then notwithstanding the said condition in the agreement, the coloniser shall have the option either to *deposit the infrastructure augmentation charges as applicable from time to time at any stage before the grant of such completion certificate and get the exemption of the restriction of net profit beyond 15% or deposit the amount as per terms of the agreement.*

***5. Cost of Development Works**.—*

(1) The colonizer shall deposit 70[thirty per centum] of the amount received, from time to time, by him, from the plot-holders within a period of ten days of its realization in a separate account to be maintained in a scheduled bank. This amount shall only be utilized by him towards meeting the cost of internal development works in the colony. After the internal development works of the colony have been completed to the satisfaction of the Director, the colonizer shall be at liberty to withdraw the balance amount. The 71[remaining seventy per centum] of the said amount shall be deemed to have been retained by the colonizer, inter-alia, to meet the cost of land and external development works.

(2) The colonizer shall maintain accounts of the amount kept in the scheduled bank, in such manner as may be prescribed:

Provided that where the license under section 3 is granted for setting up a colony for cyber city or cyber park purposes, the provisions of sub-sections (1) and (2) shall not be applicable.

<u>7B. Time limit for completion of a specific category of colony</u>.-

(1) Notwithstanding anything contained in this Act, the Government may, by notification, specify a time limit for completion of a specific category of colony. If the coloniser fails to complete the laying out of any such specific category of colony in accordance with the approved lay out plans or to execute internal development works as per the approved design and specifications or to apply for grant of completion certificate under sub-section(6) of section 3 within the specified time limit, the Director shall not entertain any application for renewal of the licence and shall issue a show cause as to why the licence granted may not be treated as lapsed. The coloniser shall reply to the show cause notice within a period of thirty days from the receipt of such a notice.

(2) On receipt of the reply to the show cause notice issued under sub-section (1), the Director shall give an opportunity of hearing and after making such enquiry, as deemed necessary and for reasons to be recorded in writing, -

(i) if satisfied, that the delay in execution of development work was for reasons beyond the control of the colonizer, renew the licence for a maximum period of twenty-four months, or part thereof, on deposit of fee at double the rate of fee

prescribed for grant of the licence: Provide that in case the renewal of the licence is allowed for a period less than twenty-four months, then proportionate renewal fee shall be deposited against such period;

(ii) if not satisfied, order that the licence has lapsed, and thereafter, within one month, shall cause a public notice to be published about the lapse of the licence in atleast two newspapers, one each in Hindi and English, having circulation in such locality.

(3) After passing the order under clause(ii) of sub-section (2), the procedure laid down under sub-sections (2),(3),(4) & (5) of section 8 shall be followed.

***8. Cancellation of license**.—*

(1) A license granted under this Act, shall be liable to be cancelled by the Director if the colonizer contravenes any of the conditions of the license or the provisions of the Act or the rules made thereunder; provided that before such cancellation the coloniser shall be given an opportunity of being heard.

(2) After cancellation of the licence, the Director may himself, carry out or cause to be carried out, the development works in the colony and recover such charges as the Director may have to incur on the said development works from the

colonizer and the plot-holders in the manner prescribed as arrears of land revenue.

(3) The liability of the colonizer for payment of such charges shall not exceed the amount the colonizer has actually recovered from the plot-holders less the amount actually spent on such developments works, and that of the plot-holders shall not exceed the amount which they would have to pay to the colonizer towards the expenses of the said development works under the terms of the agreement of sale or transfer entered into between them:

Provided that Director may, recover from the plot holders with their consent, an amount in excess of what may be admissible under the aforesaid terms of agreement of sale or transfer.

(4) Notwithstanding anything contained in this Act after the colony has been fully developed under sub-section (2), the Director may, with a view to enabling the colonizer, to transfer the possession of and the title to the land to the plot-holders within a specified time, authorize the colonizer by an order to receive the balance amount, if any, due from the plotholders, after adjustment of the amount which may have been recovered by the Director towards the cost of the development works and also transfer the possession of or the title to the land to the plot-holder within aforesaid time. If the colonizer fails to do so, the

Director shall on behalf of the colonizer transfer the possession of and the title to the land to the plot-holders on receipt of the amount which was due from them.

(5) After meeting the expenses on development works under sub-section (2), the balance amount shall be payable to the colonizer.

The Haryana Development and Regulation of Urban Areas Rules, 1976:

Rule: 11. Conditions required to be fulfilled by applicant [Section 3(3)]— (1) the applicant shall:.

(a) furnish to the Director a bank guarantee equal to twenty five percent of the estimated cost of the development work as certified by the Director and enter into an agreement in form LC-IV for carrying out and completion of development works in accordance with the licence finally granted;

(b) undertake to deposit fifty percent of the amount to be realised by him from the plot-holders, from time to time, within ten days of its realisation in a separate account to be maintained in a scheduled bank and this amount shall only be utilised towards meeting the cost of internal development works in the colony;

(c) undertake to pay proportionate development charges if the main lines of roads, drainage,

sewerage, water supply and electricity are to be laid out and constructed by the Government or any other local authority. The proportion in which and time within which such payments is to be made shall be determined by the Director ;

(d) *undertake responsibility for the maintenance and upkeep of all roads, open spaces, public parks and public health service for a period of five years from the date of issue of the completion certificate under rule 16 unless earlier relieved of this responsibility and there upon to transfer all such roads, open spaces, public parks and public health service free of cost to the Government or the local authority, as the case may be ;*

(e) *undertake to construct at his own cost or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the land set apart for this purpose, or undertaken to transfer to the Government at any time if so desired by the Government free of cost, the land set apart for school, hospitals, community centres and community buildings, in which case the Government shall be liberty to transfer such land* *to any person or institution including a local authority on such terms and conditions as it may deem fit ; and*

(f) undertakes to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted.

(2) If the Director, having regard to the amenities which exist or are proposed to be provided in the locality, decides that it is not necessary or possible to provide such amenity or amenities, the applicant will be informed thereof and clauses (c), (d) and (e) of sub-rule (1) shall be deemed to have been modified to that extent.

(3) In case of an application for grant of licence for low-density eco-friendly colony, the applicant shall additionally undertake to-

(a) install solar farms aiming for meeting energy requirements of the colony through solar energy, in accordance with the technical parameters specified by the Director, on at least five percent of the area of the colony that shall be in addition to

the five percent area reserved for open spaces;

(b) provide integrated facility for storage, purification, distribution and recycling of storm-water aiming for no external source of water supply, minimum ground water extraction and zero run-off. Independent distribution system for separately fulfilling the farming, flushing and domestic water requirements shall also be provided;

(c) install a bio-gas plant aimed at fulfilling requirements for cooking gas and a compost plant for utilizing and recycling of all bio-degradable waste, in accordance with the technical parameters specified by the Director; and,

(d) restrict the residential density of the colony to a maximum of twenty five persons per acre.

***18. Cancellation of licence [Section 8(1)]**— (1) If the Director determines at any time that the execution of the layout plans and the construction or other works is not proceeding according to the licence granted under rule 12 or is below specification or is in violation of the provisions of these rules or of any law or rules for the time being in force, he shall by notice in form LC-X require the colonizer to remove the various defects within the time specified in the notice.*

(2) If the colonizer fails to comply with the requirements detailed in the notice issued under sub-rule (1), the Director shall issue him a further notice in form 144[LCXA] to afford him an opportunity to show cause within a period of one month why the licence granted should not be cancelled.

(3) After hearing the colonizer and considering such representation as he may make the Director may either cancel the licence or grant him further time for complying with the requirements of the notice issued under sub-rule 1). If, however, the colonizer does not comply with the said requirements within such extended period, the Director shall cancel the licence and thereafter, 145[within one month], shall cause a proclamation made in the locality about the cancellation of the licence by beat of drum 146[within thirty days of cancellation of licence.

(4) On cancellation of the license, no further work shall be undertaken or carried out by the colonizer.

(5) Deleted.

19. Development works to be carried out by the Director in the colony [Section 8]. *— (1) After cancellation of the licence or permission the Director shall by notice in form LC-XI call upon the colonizer to furnish within a specified time an audited statement of accounts duly certified and signed by the chartered accountant showing the amount actually recovered by him from* *each plot-holder and the amount he has actually spent on development works in the colony.*

(2) The Director shall also ascertain from the plot-holders the amount, paid by them to the colonizer and the balance amount, if any, to be paid by each of them to the colonizer.

(3) The Director shall intimate to the colonizer and the plot-holders the charges he may have to incur on development works in the colony and shall call upon the colonizer and the plot-holders in form LC-XII and LC-XIII to pay these charges within thirty days. In case they fail to pay these charges, the Director, may recover these charges as arrears of land revenue.

17. At the time when the electrification plan was submitted by respondent No.5-Developer, sales circular No.U-20/2008 issued vide memo No. Ch-34/SS-403/Ind. feeder/Rasoi/Sonepat dated 14.05.2008 was in force. The same is extracted as under:-

"UTTAR HARYANA BIJLI VITRAN NIGAM

Sales Circular No. U-20 /2008

From

The Chief General Manager/Commercial,
UHBVN, Panchkula.

To
All CEs/(OP)/SEs(OP)Xens/SDOs/op,
JEs-I, Incharge in UHBVN.

Memo No.Ch-34/SS-403/Ind.feeder/Rasoi/Sonepat Dated:-14.5.08

Sub: Release of permanent electric connection to the area developed by various colonizers/developers in Haryana.

In accordance with para 3 & 4 of Haryana Electricity Regulatory Commission Regulation No.HERC/12/05 dated 26.7.05, which provides the detailed method on "Duty to supply Electricity on request" for the Distribution Licensee, detailed guidelines were issued vide S.I. No.U-44/2006 dated 13.10.2006 for allowing the consumer to opt for self execution of work or for carrying out the work through the licensee on payment of expenditure where the supply of electricity requires extension of distribution system.

The detailed procedure to be adopted for calculating charges where extension in distribution system on Low Tension Supply, High Tension Supply and Extra High Tension Supply is required for release of connection/connections, was also attached with the ibid sales instructions as Annexure-II.

In view of the fact that colonizer/developers approach the Power Utilities at a very belated stage which puts unnecessary strains on the existing system and also delay the release of connection to the residents, necessary instructions/guidelines were issued vide S.C. No.U-21/2007 dated 14.3.2007, S.I. No.U-28/2007 dated 11.6.2007 and S.C. No.U-87/2007 dated 30.11.2007.

The matter has been reviewed again in the case of areas developed by various colonizers/developers in Haryana (within the jurisdiction of UHBVN) and it has been decided as under:

1. ***The colonizer/developer will be required to submit the electrical lay out plan to the Nigam for approval within a specified period of 3 months after release of temporary connection for construction.***
2. ***The electrical lay out plan submitted by the colonizer/developer shall be approved by the CEs(OP) of the respective zones of UHBVN as per prevailing instructions of the Nigam and CEs(OP) would inform the load requirement to CE/Planning HVPN and CE/PD&C, UHBVN for further planning of the transmission and distribution system.***
3. ***The colonizer/developer are required to provide land/bear the cost of land jointly with other colonizers/developers in the area so that infrastructure is created to handle their ultimate load requirement.***
4. ***The colonizer/developer shall be required to bear the cost of infrastructure as per Annexure-II of S.I. No.U-44/2006 (which is again enclosed for ready reference).***
5. ***Temporary connection to the colonizer/ developer shall be allowed for a maximum period of only 2 years. However, colonizer will be required to submit electrical lay out plan within 3 months of release of temporary connection for construction failing which the temporary connection shall be disconnected.***
6. ***Permanent connection to the residents shall be allowed only after approval of lay out plan by the UHBVN.***
7. ***Bulk supply connections can be released in the name of***

colonizer/builder subject to the conditions as stipulated in S.I. No.U-28/2007 and reproduced as under:

i) ***They shall submit an undertaking that tariff rates charged by them from the residents shall not exceed the rates approved by the Nigam.***

ii) ***It shall be mandatory to install three phase 4 wire static energy meter having dual registration facility for recording consumption through Nigam's system as well as through their own DG sets on failure of Nigam's supply.***

iii) ***They shall submit an affidavit to the effect that they shall hand over/change the connection in the name of Resident Welfare Association after 50% occupancy. Occupancy statement shall be filed every month. However, after 2 years, extension to the colonizer/developer will be on yearly basis and only in case there is no Resident Welfare Association. The moment RWA is formed, the bulk connection shall be shifted to RWA.***

1. ***Wherever the load of a licensee Colony/Complex/Group Housing is more than 4 MVA – the colonizer/developer should provide for a 33 KV sub-station, which may be erected by him or at his cost by the UHBVN.***

The sales circular No.U-87/2007 dated 30.11.2007 stands amended to the above effect.

The above instructions should be brought to the notice of all

concerned for careful and meticulous compliance."

18. It is evident from above circular that a colonizer is required to submit the electrification plan within 03 months of temporary connection being released which is for a maximum period of 02 years. Permanent connection to residents can be released only after the approval of layout plan. The cost of infrastructure was to be borne by the colonizer/developer.

19. The above said sales circular was followed by sales circular No. U-45/2012 issued vide memo No.Ch-95/TR-90/Ambala/Vol. III/CGH/C-1 dated 31.12.2012. The same is extracted as under:-

"***UTTAR HARYANA BIJLI VITRAN NIGAM***

Sales Circular No.U-45/2012

From

The Chief General Manager/Comml.,
UHBVN, Panchkula.

To

All CEs/ (OP)/SEs (OP) Xens/SDOs/op,
JEs-I, Incharge in UHBVN.

MemoNo.Ch-95/TR-90/Ambala/Vol-III/CGM/C-I
Dated:31.12.2012.

Subject: Guidelines for electrification system in the colonies/multi-storey buildings developed by Colonizers Licensee/SEZ-Amendment.

Please refer to SC No.U-46/2004 & U-20/2008 regarding guidelines and sanction of electrical layout plans in the area of new sectors, being developed by Colonizers licensee/SEZ.

The Nigam has reviewed the matter and decided that the private developer shall submit the bank guarantee equal to 1.5

times the estimated cost of the whole infrastructure to be provided for ultimate load as per the latest load norms of the Nigam.

However, before accepting the above said bank guarantee the load should be got vetted from commercial section.

Further, it has been decided to adopt the instructions of DHBVN on the matter i.e., SI No.09/2011/P&D. Accordingly, these guidelines be kept in view while dealing with sanctioning of bulk / other electrical connections and layout plans in the area of new sectors, being developed by Colonizers licensee/SEZ.

The Guidelines issued by this office vide SC No.U-46/2004, U-87/2007, U-20/2008, SI No.U-17/2005, 38/2005 & U-28/2006 are amended to the above extent.

This issues with the approval of worthy CMD at NP-55.

DA/SI No.09/2011/P&D

Chief General Manager/ Commercial,
UHBVN, Panchkula

Instruction No. 09/2011/P&D

DAKSHIN HAYRANA BIJLI VITRAN NIGAM

From

Chief Engineer/P&D, DHBVN,
Hisar.

To

1. All Chief Engineers (OP) in DHBVNL
2. All S.Es (OP) in DHBVNL.

Memo No.Ch-38/P&D-932/Vol.-III Dated: 09-05-2011

Subject: - Amended Detailed Guidelines for electrification system

in the colonies/ multi-storey buildings developed by HUDA/ HSIDC/ Colonizers Licensee/SEZ.

Enclosed please find herewith guidelines, on the subject cited above. Please keep the above guidelines, in view, while sanctioning the bulk and other electrical connection and layout plans in the area of new sectors, being developed by HUDA/HSIDC/Colonizers licensee/SEZ.

Guidelines issued by this office, vide instruction no. 3/2011/P&D, bearing memo no. Ch-15/P&D-932/Vol.III dated 25.02.2011, are hereby withdrawn.

This issue with the approval of WTDs at NP - 16 of file P&D - 1003.

xxxxxx

GUIDELINES FOR PROVIDING ELECTRICAL SYSTEM IN THE COLONIES/MULTI STOREY BUILDING DEVELOPED BY HUDA/HSIDC/ COLONIZERS LICENSEE/SEZ

INSTRUCTION NO. 09/2011/P&D

Issued vide memo no Memo No. Ch-38/P&D-932/Vol.-III Dated: 09-05-2011

Note: - Guidelines issued by this office, vide instruction no. 3/2011/P&D, bearing memo no. Ch-15/P&D-932/Vol.III dated 25.2.11, are hereby withdrawn.

CHAPTER – 1

INTRODUCTION

There are 3 main developing agencies in the State, namely HUDA/ HSIDC/ Colonizers Licensee & SEZ. As per the provisions in the Town and Country Planning Act, the developers are required to provide complete infrastructure/ services while developing any residential, commercial or industrial sectors/areas. The important constituent of infrastructure is the electrical system. The electrical system constitutes the availability of feeding source i.e. provision of grid sub stations as per load requirement, transmission lines, indoor switch/distribution sub stations provided for distribution transformers, LT lines and service lines for feeding to the end consumers. The electrical system is provided as per load requirement.

The load requirement, for different category of residential plots and different category of flats, different category of commercial sites, i.e., common show rooms, small booths, shopping malls, resorts, multiplexes having Cinema Houses, restaurants and other activities including company show rooms, company offices etc. varies with the size of plot. All these categories of consumers have different type of electrical load requirement. The load requirement of each category of consumer has been arrived at after considerable load studies.

Load requirement for plotted areas and residential multi storey flats is different. Similarly load requirement for commercial booths, show rooms sites, company's houses, shopping

malls, resorts, restaurants and multiplexes is also different. Hence, the norms have been framed separately for each category.

The guidelines, for providing electrical system in the area, being developed by the developers, have been laid down to maintain uniformity. As per the decision taken by the Government of Haryana regarding beautification of urban areas, uniformity of electrical system will play significant role in the beautification of urban areas.

Depending upon locations and requirement, the overhead and underground system has been suggested.

While framing the guidelines, precautions have been taken to meet with the requirement of provisions of grid code for distribution system.

CHAPTER-II

<u>Guidelines for electrification of residential sectors.</u>

A:- For sectors having plotted area (assuming sector size of 200 acre):

The basis for electrification of any residential sector, having residential plots, is the ultimate load requirement of that particular sector for residential houses and other common & commercial utilities for which the following procedure shall be followed:-

i) The developer should possess the proper license from the Town Country Planning Department.

ii) The approved land plan should have the complete

details of areas under various categories like size-wise residential plots, detail of plots earmarked for multi storey buildings or group housing societies, size wise commercial plots and the total area to be covered for market, resorts, restaurants, multiplexes, schools, colleges or any other educational institutions, hospitals, dispensary, community centers, police stations, water supply schemes, sewerage disposal schemes, electricity indoor sub station, out door sub stations or any other important utility for which specific land is earmarked.

iii) On the basis of land area earmarked, as per detail in para-ii above, the load calculation shall be made as per guidelines laid down for specific category of load in specific area/size of plot. The guidelines for load calculations for residential plotted areas are attached as Annexure-I. Load calculations for residential multistory buildings are attached as Annexure-II, load calculations for commercial areas are attached as Annexure-III and load Norms for Economic weaker section (EWS) as Annexure-IV.

After arriving at total load requirement of the sector, the following schemes shall be followed for designing the feeding arrangements of the load of the sector:-

Sr. No.	*Load*	*Voltage level of sub-stations*	*Type of substation*	*Land requirement*
(a)	Upto 5 MVA	Through		

		Independent feeder from existing Sub-Station of HVPN/DHBVN		
(b)	More than 5 MVA but less than 15 MVA	33 KV Sub	*AIS*	2 Acres (120x80 mtr)
(c)	More than 5 MVA but less than 15 MVA	33 KV Sub	*GIS*	1/4 Acres (60x20 mtr)
(d)	More than 15MVA	66KV Sub	*AIS*	3 Acres
(e)	More than 15MVA	66KV Sub	*GIS*	1 Acres
(f)	More than 15MVA	132KV Sub	*AIS*	4 Acres
(g)	More than 15MVA	132KV Sub	*GIS*	*1.25* Acres
(h)	More than 75 MVA	220 KV Sub	*AIS*	*18 Acres*
(i)	More than 75 MVA	220 KV Sub	*GIS*	*6 Acres*
(j)	More than 300 MVA	400 KV Sub	*AIS*	*45 Acres*
(k)	More than 300 MVA	400 KV Sub	*GIS*	*8 Acres*
(l)	Indoor switching station-cum-complaint centers			

Note: - The piece of land should preferable be in rectangular shape with length and breadth in ratio 3:2.

Also, the line corridors have to be provided as per the following norms:-

i) 11 KV - 6Mtrs

ii) 33 KV - 12 Mtrs.

iii) 66/132KV/220KV - 35 mtrs.

The location of the site for sub-station should, preferably be in the centre of the sector and on main road and may be allotted in corner plot to avoid cross-over of other sites.

1. The cost of laying of 11KV independent feeder shall be borne by the developer.

2. The developer shall also bear the cost in proportion with

other consumers in case the augmentation of power transformer is required, at the feeding end Sub-Station. However, the works shall be executed by HVPN/DHBVN, as the case may be.

3. *Grid Sub Station i.e. 33 KV, 66 KV, 132 KV or 220 KV shall be constructed by the developer, at his own cost and shall be handed over to DHBVN/HVPN free of cost, where ever required.*

4. *The developer will bear the cost of feeding lines from the feeding source to the grid substation constructed by the developer.*

5. *At least 2 numbers indoor switching station cum complaint centers, per sector shall be constructed by the developer and shall be handed over to DHBVN, complete in all respect for maintenance and operation.*

6. *For creation of the above sub stations, if required, the cost of feeding transmission line and its right of way shall be arranged by the developer only.*

7. *The cost of terminal arrangement, in case of transmission line at DHBVN/HVPN Sub Stations, shall be borne by the developer as per sanctioned estimate/standard design of DHBVN/HVPN.*

8. *For the creation of sub station/transmission lines, material shall be used as per specification of DHBVN/HVPN. Before erection of major items, inspection will be got carried out from DHBVN/HVPN Authorities. The inspection charges @*

1.5% of the estimated cost of work shall be paid by the developer to DHBVN/HVPN as the case may be.

9. The developer has to make the arrangement of feeding lines.

Detailed Guidelines for Electrification of New sector/upcoming Urban areas/authorized areas developed by private colonizers.

A. <u>For Plots of size 10 Marla and above Category</u>:

i) Electrification will be done only through 11 kV line on 11 Mtr long PCC poles. The length of the span will not be more than 40 mtrs. 100mm2 ACSR conductor shall be used for main 11 kV line & 80mm2 ACSR conductor will be used for 11 kV spur line.

ii) Distribution transformers (DTs), completely self protected (CSP) type, of capacity 25/63/100/200/400/630 KVA , depending upon the load requirement as per norms, shall be installed, subject to the condition that LT/HT line length ratio shall not exceed one. The distribution transformers shall have a provision of DT meter. Following points should be followed while laying the LT distribution system:-

a) The length of LT line shall be minimum (upto 3 span maximum).

b) The span length shall be maximum 35 meters (max.).

c) The load on the distribution transformer can be put up to 80% of its capacity.

d) The energy meters shall be installed either on H-pole itself or on the pole of LT line erected with armoured

cable or outside the consumer premises.

e) ***Both four core & single core XLPE Armoured Cable is to be used for laying 3Φ/2Φ/1Φ system as per site requirement.***

f) ***Adequate size of four core/single core cable shall be used as per load requirement.***

g) ***The cables will be laid by providing LT insulators strictly as per drawing, circulated vide this office memo no. Ch.- 68/DD-168 dated 26.08.2010.***

h) ***Supply, from LT armoured cable to LT bus bar distribution box, shall be tapped with the help of LT insulated connectors.***

i) ***The LT armoured cable, from main line to LT distribution bus bar box, will be used as per requirement of load.***

j) ***From LT distribution bus bar box to incoming terminal of meter, 2 Core or 4 Core LT armoured cable will be used as per requirement of load.***

k) ***From energy meter to consumer premises, unarmoured PVC Cable will be used as per requirement of load.***

l) ***The installation of meters, on poles outside consumer premises, will be as per sales circular No. D-39/2007 issued vide CGM/Commercial office memo No. Ch.- 39/SE/Commercial/R-16/57/2006/S/C.***

iii) ***For releasing the connection, a meter pillar box shall be***

installed near the transformer for housing the consumer bus bar. From this bus bar, the connection will be taken to the consumer meter, which shall also be housed in the same pillar box. The armored service line will be provided from pillar box to consumer premises. One meter pillar box can house 4/6/8/10 no. meters, depending upon the location.

iv) Street light phase shall be provided under the 11 kV line, through 30mm2 insulated ACSR conductor, by installing distribution transformer(s), along with distribution transformer meter, as per load requirements in the area which will be dedicated only for street light.

B. *<u>For Plots of Size less than 10 Marla Categories</u>*

i) Electrification will be done only through 11 kV line on 11 Mtr long PCC poles. The length of the span will not be more than 40 mtrs. 100mm2 ACSR conductor shall be used for main 11 kV line & 80mm2 ACSR conductor will be used for 11 kV spur line.

ii) Distribution transformers (DTs), completely self protected (CSP) type, of capacity 25/63/100/200/400/630 KVA, depending upon the load requirement as per norms, shall be installed, subject to the condition that LT/HT line length ratio shall not exceed one. Following points should be followed while laying the LT distribution system:-

a) The length of LT line shall be minimum (upto 3 span maximum).

b) The span length shall be maximum 35 meters (max.).

*c) **The load on the distribution transformer can be put up to 80% of its capacity.***

*d) **The energy meters shall be installed either on H-pole itself or on the pole of LT line erected with armoured cable or outside the consumer premises.***

*e) **Both four core & single core XLPE Armoured Cable is to be used for laying 3Φ/2Φ/1Φ system as per site requirement.***

*f) **Adequate size of four core/single core cable shall be used as per load requirement.***

*g) **The cables will be laid by providing LT insulators strictly as per drawing, circulated vide this office memo no. Ch.- 68/DD-168 dated 26.08.2010.***

*h) **Supply, from LT armoured cable to LT bus bar distribution box, shall be tapped with the help of LT insulated connectors.***

*i) **The LT armoured cable, from main line to LT distribution bus bar box, will be used as per requirement of load.***

*j) **From LT distribution bus bar box to incoming terminal of meter, 2 Core or 4 Core LT armoured cable will be used as per requirement of load.***

*k) **From energy meter to consumer premises, unarmoured PVC Cable will be used as per requirement of load.***

*l) **The installation of meters, on poles outside consumer***

premises, will be as per sales circular No. D-39/2007 issued vide CGM/Commercial office memo No. Ch.-39/SE/Commercial/R-16/57/2006/S/C.

iii) Wherever it is not possible to use ACSR conductors due to less clearance, then Aerial Bunched cable may be used.

iv) Connection will be released to the individual consumer by installing the meter in meter pillar boxes near the pole. From the LT side of T/F, connection will be taken to a common bus bar which will be installed within meter pillar box. Bus bar will be completely protected.

v) Wherever it is not possible to install Meter Pillar Box, the consumer meter shall be installed on the boundary wall of consumer outside the gate in proper MCB.

vi) Street light phase shall be provided under the 11 kV line through 30 mm2 insulated ACSR conductor by installing distribution transformer(s) of desired capacity with meter in the area which will be dedicated only for street light."

C <u>Group Housing Societies</u>:

i) 11 kV line will be laid up to boundary wall of the Group Housing Society on 11 meter poles with span length of 40 meters.

ii) 200 KVA, 400 KVA, 630 KVA & 990 KVA distribution transformers (CSP type) or sealed unit S/Stns., shall be installed according to the requirement of load and shall be installed adjacent to the HT meter room.

iii) Single point HT/LT connection shall be given for common services like lift, water supply, street light etc. for which the metering equipment shall be installed on the outer boundary wall of the society near the main gate.

iv) The LT shall be taken directly from the distribution transformer through armoured cable up to the building, if laid underground, it should be through open-able trench with facility for maintenance and inspection.

v) The meters will be installed at one place in the basement of the building, in the Meter Pillar Boxes. 10-14 consumer meters shall be installed in single meter pillar box.

Annex ure-1

Load Norms for Plots Sector/Colonies being developed by HUDA/ Private Colonizers.

Sr. No.	Class of City	Size Category of Plot/Load Norms In KW							
		2 Kanal	1 Kanal	14 Marla	10 Marla	8 Marla	6 Marla	4 Marla	2 Marla
1.	A Class	40 KW	30 KW	25 KW	20 KW	16 KW	12 KW	10 KW	6 KW
2.	B Class	30 KW	20 KW	20 KW	15 KW	10 KW	8 KW	6 KW	4 KW
3.	C Class	25 KW	20 KW	15 KW	12 KW	8 KW	6 KW	6 KW	2 KW

Note: *The classification of city for the purpose of load projection of plots & flats shall be as under:-*

i) A Class:- Faridabad, Gurgaon, Manesar.

ii) B Class:- Sirsa, Fatehabad, Hisar, Bhiwani, Narnaul, Palwal, Dharuhera, Rewari, Hansi.

iii) C Class :- All other cities/town under DHBVNL, which are not covered in 'A' & 'B' classes as above.

Annexure-II

Load Norms for flats, being constructed by Group Housing Societies

Sr. No.	*Flats having covered area*	*Connected load*
1.	*Upto 900 Sq. ft.*	*8KW*
2.	*From 901 to 1600 Sq. ft.*	*16 KW*
3.	*From 1601 to 2500 Sq. ft.*	*20 KW*
4.	*Above 2500 Sq. ft.*	*24 KW*

Annexure-III

Load Norms for Commercial/Institutional areas Load norms, for commercial area, shall be taken as 25 KVA per 1000 Sq. ft. of covered area.

Annexure-IV

Load Norms for Economic Weaker Section (EWS).

The connected load, for flats, having covered area up to 350 sq. ft, shall be taken as minimum 3.00 KW or as per Electric Plan of the developers, whichever is higher, in case of Economic Weaker Section (EWS). All other terms and conditions will remain the same."

20. Hence, requirement to furnish Bank Guarantee equal to 1.5 times was provided for the first time for sanction of the layout plan in area of

new sectors being developed by the colonizer. Said requirement was hence not provided for when electrification plan was initially approved. The land/cost of land was required to be paid alongwith cost of infrastructure. The cost of infrastructure and electric connection was to be deposited.

21. Examining the above harmoniously, it is evident that a developer can offer plots for sale only after obtaining license from the Government and cost was to be deposited by the colonizer with the authority. The development works (including power) were to be completed in a time bound manner failing which the development work was to be undertaken by the Government. The proportionate cost already collected by the developer from the plot buyers was to be recovered from them whilst the balance cost was to be recovered from the buyers.

22. Invariably, the requisite procedure prescribed and required to be followed has not been followed and instead, the buyer has been left fending for himself, without respite, while the colonizer and the licensee/Government chose to prefer inaction over affirmative action.

23. Every buyer in a licensed and approved colony is justified in lawfully expecting that the basic amenities shall be provided for and the Government shall ensure that in the event of the developer not performing the obligations, the buyer is not left midway with no backing of the authority and having no means to fight against the builder. The enforcement authorities having chosen to close their eyes, a buyer should not be left to himself and enter into an unending litigation for the amenities which should inhere as a part of the licensing condition. Respondents would thus not be

justified in raising an objection that writ petition by a buyer would not be maintainable. The buyer of a plot under an approved licensed colony would thus be competent to invoke writ jurisdiction for seeking basic amenities, as would be available to a person seeking such amenities in a State developed colonies.

24. The State, in failing to ensure a timely action against the defaulting developer failed to protect the best interests of the buyer giving a valid right to the buyer to approach the High Court.

25. The colonizer who seeks license is under obligation to ensure approval of the electrification plan from the Distribution Licensee and to make good the requisite conditions and deposits required to be made thereunder. Any failure on the part of the developer to fulfill the said obligations and consequently results in causing a hardship to the ultimate consumer gives a rise to a cause of action and a right in the consumer to prosecute the developer and also the State for their collective failure to perform obligations.

26. A consumer however cannot merely ask for a waiver of those terms and conditions and the liability to pay the requisite statutory expenses merely on account of the same posing certain hardships. Having opted to purchase the plot in a locality which is being developed by a private developer (who is not an agency and instrumentality of the State), the remedy for seeking damages against the developer for failure to fulfill his promises is also there. In any case, it is not the prayer by the petitioner in the present petition that respondent No.5 ought to be directed to make good

the terms and conditions as prescribed in the electrification plan. No satisfactory explanation has been put forth by the learned counsel representing the Distribution Licensee as to why the remnant works were not undertaken by the respondent-Distribution Licensee after the sanctioned period of electrification plan had already come to an end.

27. Accordingly, while imposing a cost of Rs.5 lakhs on the respondent-Distribution Licensee/Uttar Haryana Bijli Vitran Nigam Limited to be deposited with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh for its failure to act for nearly 15 years, the present writ petition is disposed of with following directions that:-

(i) The respondent-Distribution Licensee shall assess the cost of the approved electrification plan within a period of 4 weeks of the receipt of a certified copy of this order. If there is no electrification plan approved, the same shall be approved within a period of 03 months of the receipt of certified copy of this order.

(ii) The proportionate cost already collected by the developer from the buyer and required to be kept in separate account shall be released by the office of the Director Town and Country Planning, Haryana, who shall inform the Distribution Licensee of the proportionate collected amount within a period of 04 weeks of receipt of certified copy of this order and transfer the same to Distribution Licensee within 08 weeks of receipt of certified copy of this order.

(iii) If any amount has already been collected by the developer but not transferred to the account to be maintained under the Act of 1975, the authorities shall take steps for effecting recovery of such amount. Respondent No.5 is restrained from alienating or creating any third party interest on the remaining property which is in the name of the Company. In the event of respondent No.5 not depositing such dues within a period of 01 year of the receipt of certified copy of this order, the licensee shall be at liberty to sell the above property for recovery of the dues.

(iv) In the event of any Bank Guarantee having been furnished by the Developer, the Distribution Licensee would be at liberty to encash the same and execute the balance works.

(v) The proportionate statutory charges and costs as prescribed under the governing regulations and sales circulars shall be calculated by the Distribution Licensee and residents/plot owners to inform through public meeting in the colony and posting the same at the conspicuous places in the society. The needful be done within 04 months of receipt of certified copy of this order.

(vi) The Distribution Licensee shall then release the electricity supply to the consumers subject to their depositing the proportionate costs, as assessed and demanded, under the governing regulations and circulars.

(vii) In the event where the buyers had already paid the entire cost of electrical infrastructure, subject to the buyer furnishing such proof to the satisfaction of the Distribution Licensee, the infrastructure be developed by the respondent-Distribution Licensee and the dues be recovered from the Developer in the manner prescribed.

(viii) In the event of any land being earmarked for establishing a sub-station and to be transferred to the Distribution Licensee, the Civil Court, Kurukshetra is directed to appoint a Bailiff to execute the transfer deed in favour of the Distribution Licensee provided there is no 3rd party interest or lien created over such land or any order passed by any competent Court/authority against such transfer.

(ix) A committee under the Chairmanship of the Deputy Commissioner, Kurukshetra and comprising the

District Town Planner, Kurukshetra and Executive Engineer (Op.) UHBVNL, Kurukshetra is hereby ordered to be constituted which shall take over the entire record of respondent No.5 within a period of 02 weeks of receipt of certified copy of this order.

28. The electricity supply to the premises of the petitioner shall not be disconnected subject to the petitioner paying all the dues and statutory charges as are admissible, till the above exercise is completed.

29. **All other civil misc. applications, if any, stand disposed of**.

(VINOD S. BHARDWAJ)
JUDGE

20.08.2024
Mangal Singh

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