



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

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CWP-8356-2022

Date of decision: 04.11.2024

AMARJEET SINGH

.....Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

.....Respondents

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

Present: - Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Jitender Singh Gill, Advocate for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court for seeking directions for release of the electrical connection to the Tubewell, as applied for by the petitioner vide Application No. 1291 dated 07.03.1981, with an alternative request to the respondents to decide the representation dated 11.04.2022, in a time bound manner.

2. Learned Counsel for the petitioner contends that the petitioner had applied for release of tubewell connection vide Application No. 1291 in March, 1981. In pursuance of the demand notice issued by the respondents, a sum of Rs. 1914/- was also deposited by him on 28.08.1988. It is claimed that he had been approaching the respondents repeatedly since then for

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release of the tubewell connection but the needful has not been done. He submits that the connection had been shown to have been issued on papers on 20.07.1988 and Bill No. 8/8 amounting to Rs. 1964 was also allegedly raised to the petitioner but in reality no such connection exists. He further argues that the petitioner is owner of land measuring 109 Bigha 15 Biswa, as per Jamabandi for the year 2015-16, situated at Village Momnabad, Hadbast No. 20, Tehsil Ahmedgarh, District Malerkotla and has submitted numerous representations to the respondents for the penal action to be taken against the officials and also for release of electric connection. Failing satisfactory response over a period of 34 years, the instant writ petition has been filed.

3. A status report by way of affidavit of Amandeep Singh, Senior Executive Engineer OP Division, Ahmedgarh, District Malerkotla has been filed wherein it has been averred that on receipt of a complaint submitted by the petitioner to the Chief Minister, the status of the application for Motor Tubewell Connection was sought to be checked and a report was sought for by the office of Superintendent Engineer, O.P. Circle, Ludhiana. In response a communication dated 15.10.1999 was received back in the office of Superintending Engineer/OP Sub Urban Circle, Ludhiana Vide Memo No. 37510 dated 16.09.1999 from Chief Engineer (Commercial Sales), Patiala stating that the matter of release of Motor Tubewell Connection had been investigated in detail and a report had been submitted by the office vide Memo No. 6587 dated 11.05.1999. The matter was marked to Senior Executive Engineer, OP Division, Ahmedgarh vide Endst. No. 15023/TG7

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Chairman dated 15.10.1999 and further down marked to the Assistant Executive Engineer, Sub Urban No.1, Sub Division Ahmedgarh vide endst. No. 8558 dated 25.10.1999 for compliance. It has been averred that no further communication had since been received.

4. Learned State Counsel has however argued that as per the report submitted, the LT Line was laid in the year 1988 upto the point of connection i.e. upto Tubewell of the applicant and a detailed prescription of multiple probabilities has been stated thereunder. He further refers to the report and submits that the service connection order dated 12.02.1988 is available in the case of the consumer and the electricity connection was released on 20.07.1988 by providing 27 meter 4/C Cable. The electric connection had been released for 3.810 KW (5 BHP) load, whereas, the A&A forms and the test report had been verified for 2.318 KW. A bill for Rs. 1964/- was also released against Account No. V-I/1034 during August, 1988 which was alleged to have not been deposited and the Consumer was held to be in default. No efforts were made by the Operation Office to effect recovery nor any reason for non recovery of the said amount has been recorded. It is thus submitted that the petitioner is a defaulter and electricity connection is sought to be released concealing the vital information from the Court.

5. The claim of respondents is, however, strongly disputed by the petitioner and he contends that no connection was ever released and a wrong claim, unsubstantiated or uncorroborated by evidence is being raised.

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6. Neither any other argument was raised by any party nor any judgment was cited. The record was examined with the assistance of the Counsel for the parties.

7. Having heard learned Counsel for the parties and going through the averments contained in the writ petition as well as the reply filed by the respondents, it remains undisputed that the petitioner had applied for the release of an electricity connection for his tubewell in the year 1981 and that a service connection order was also passed in the year 1988. Thereafter, while the respondents claimed that the connection was released, however, the petitioner insists that no such supply was made and that some frivolous bill of Rs. 1964/- is shown to be outstanding against the said account of the petitioner.

8. The respondents have also failed to refer to any other outstanding/demand that was ever held recoverable against the said account number even though the investigation into the complaint is stated to have been initiated way back in the year 1999. It seems incomprehensible that the investigation would not have been concluded despite a lapse of 25 years. The status report in the present case was filed in December, 2022 and even till the said time, the enquiry/investigation remained incomplete.

9. Under the given circumstances, this Court is not inclined to accept the probabilities expressed by the respondents in their reply and assume that the petitioner is in default of any such amount. The balance of convenience rests in favour of the petitioner.



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10. Even otherwise, the respondents were apprised of the above issue in the year 1999 and it would be deemed to be aware of any outstanding amount due. The limitation prescribed for recovery of such dues is 02 years. The respondents cannot be given a benefit in perpetuity for their in-action or failure to take desired steps when it was so required to be done.

11. Under the given circumstances, notwithstanding alternative remedy but taking into consideration that a period of more than 40 years has elapsed since the submission of application and deposit of payment for release of tubewell connection and that all other persons who were similarly situated as the petitioner, have already been granted the benefit of release of tubewell connection, the respondents are directed to release the electricity connection in favour of the petitioner within a period of 02 months of a receipt of certified copy of this order, subject to the petitioner depositing the relevant statutory charges and further subject to existence of a tubewell at the spot.

12. The petition is accordingly allowed.

(VINOD S. BHARDWAJ)**JUDGE****NOVEMBER 04, 2024***Vishal Sharma*

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No