



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

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CWP-14396-2018 (O&M)

Date of decision: 12.08.2024

Ran Pal Singh

...Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

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

Present :- Mr. Virender Kumar, Advocate for the petitioner.

Mr. Vivek Chauhan, Advocate for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to convert the existing AP Tubewell connection of the petitioner into High Voltage Distribution System (in short HVDS) and further for directing the respondents to install separate distribution transformer on the agriculture pump of the petitioner by converting the LT lines into 11 KV lines in view of the scheme issued by the respondents vide circular No.U-37 dated 06.11.2009. A further directions has been sought to shift/change the electricity Tubewell connection bearing account No.L13-SA191016-H from Rural Feeder to Urban Feeder in view of instructions No.U-18/2012 dated 21.08.2012.

2. Learned counsel for the petitioner contends that the petitioner is a resident of Village Phoosgarh situated in the municipal limits of Municipal



Corporation, Karnal for the last more than eight years. The petitioner is having about 15 acres of land therein. An electricity connection has been released in the name of Hukam Singh, grandfather of the petitioner for the purpose of irrigation and a Tubewell had been installed. The sanctioned load is 12.5 BHP (3 phase) and the type of connection is shown APU. The petitioner is regularly paying the upto date electricity consumption charges. He contends that the petitioner was sanctioned electricity Tubewell connection for Urban Feeder since last so many years due to the area covered under the municipal limits of Municipal Corporation, Karnal. The circular No.U-37 dated 06.11.2009 for the release of AP connections under the HVDS was issued by the respondents. He contends that the respondents had not considered the request of the petitioner for shifting of his transformer and have also not considered his claim for supplying the electricity from the Urban Feeder even though the other similarly situated persons have been provided the connections from the Urban Feeder due to non-availability of 11 KV AP Feeder.

3. Learned counsel for the respondents-Distribution Licensee contends that so far as the request of the petitioner for considering his case in terms of the circular No.U-37 dated 06.11.2009 is concerned, the same could not be considered since the agricultural power connection had not been released to the petitioner under the HVDS Scheme and the said scheme is only for agricultural power connections in Rural areas. In relation to the applicability of the instructions issued vide circular No.U-18/2012 dated



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21.08.2012, it is averred that the connection does not fall in Shekhpura Feeder and rather the same falls under Khera Chapra 11 KV Feeder Agriculture Power. Other persons to whom the connections had been given have their land adjacent to the Urban Feeder due to it being closer to the residential area. Resultantly, the power supply to the said Tubewell connections has been made through the Urban Feeder.

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

5. I find that the pleadings are vague and enlarge many aspects as they do not bring their case within the contours of the applicable policy but at the same time, the reply given by the respondents and the arguments advanced are highly vague and illogical with no specific response to the issue being espoused before this Court. While the respondents have justified release of electricity supply to 15 other persons from the Urban Area, it is contended that the land of the petitioner was being supplied from the Rural Feeder. On a specific query posed to the learned counsel for the respondents, it is acknowledged that the land the petitioner falls within the Urban Area and under the Urban Feeder. The response is inevitably flawed and contradicts itself in more ways than one.

6. Under the given circumstances, the present writ petition is **disposed of** with liberty to the petitioner to submit an application for release/shifting of his electricity connection to the Urban Feeder, under and in accordance with the applicable Policy.



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7. In the event of the petitioner submitting such an application, the respondents shall take a considered decision thereupon within a period of 04 months of receipt of such application.

(VINOD S. BHARDWAJ)
JUDGE

12.08.2024
Mangal Singh

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