



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

(111)

RSA-501-2025 (O&M)
Date of Decision:-27.10.2025

DAKSHIN HARYANA BIJLI VITRAN NIGAM

... Appellant

Versus

SANDEEP

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. S.K. Mahajan, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

The appellant has approached this Court by way of the present Regular Second Appeal (for short, 'RSA') under Section 41 of the Punjab Courts Act, 1918, assailing the concurrent findings of fact as well as the judgments and decrees passed by both the learned Courts below. The impugned decisions have upheld the findings rendered by the trial Court, thereby giving rise to the present appeal.

2. In succinct narration of facts, the respondent-plaintiff instituted a suit for declaration accompanied by consequential reliefs of mandatory and permanent injunction, challenging the validity of the demand raised pursuant to the bill dated 12.02.2018, whereby the appellant-defendant sought to recover an amount of ₹5,22,129/- towards alleged arrears. The respondent-plaintiff averred that he had established a fish farm and had applied for an electricity connection under the Non-Domestic Supply ('NDS' for short)



category. The said connection was accordingly sanctioned and released, with a specific assurance that the applicable tariff rate for fishery units would be ₹2 per unit. However, the defendant-Dakshin Haryana Bijli Vitran Nigam ('Nigam' for short), subsequently raised an exorbitant and arbitrary demand under the guise of energy consumption charges far exceeding the agreed rate. Despite repeated representations and visits by the plaintiff to the office of the defendant, the grievance remained unaddressed and the account was not duly overhauled. Ultimately, a demand notice was issued to the plaintiff, constraining him to institute the present suit.

3. The appellant-defendant contested the suit, asserting that the demand raised was legal, valid, and in accordance with the applicable tariff. It was contended that every consumer in the State of Haryana who obtained an electricity connection under the NDS category for a fishery farm was billed at the standard NDS tariff rate. The plaintiff, at a belated stage, claimed that his electricity connection had been released from the Saharwa RDS Feeder. The defendant further pleaded that if the plaintiff desired billing under the concessional tariff applicable to fishery farms, he was obligated to seek conversion of his connection from the RDS Feeder to the AP Feeder at his own cost, in compliance with the prevailing regulations of the Nigam.

4. Upon a careful and thoughtful consideration of the pleadings on record, the submissions advanced by learned counsel for the respective parties, and the rival contentions arising therefrom, Court deems it appropriate to crystallize and frame the following issues for determination:-



1. Whether the impugned bill dated 12.02.2018 whereby defendant raised a demand of ₹5,22,129/- towards arrears is wrong and same is based upon wrong application of tariff rates? OPP
 2. Whether the plaintiff is entitled to the mandatory injunction directing the defendant to not to disconnect the electricity supply of the premises of the plaintiff on account of non payment of bills and further direction to the defendant to overhaul the electricity account of the plaintiff by applying the revised tariff rate ? OPP
 3. If findings to abovesaid issues come in affirmative, then whether the plaintiff is entitled to the decree for declaration that the plaintiff is not liable to make payment of the bill amount of Rs. 522129/- and direction to the defendant to refund the excess amount deposited by the plaintiff under protest in different category not meant for fisheries ? OPP
 4. Whether the suit of the plaintiff is not maintainable in the present form? OPD
 5. Whether the plaintiff has no cause of action to file the present suit? OPD
 6. Whether the suit of the plaintiff is bad in the eyes of law? OPD
 7. Relief
5. The parties were afforded full and fair opportunity to substantiate their respective stands by leading oral as well as documentary evidence. Upon the closure of evidence and after affording due hearing to learned counsel representing both sides, the Courts below, upon an exhaustive appraisal of the pleadings, evidence, and legal submissions, proceeded to decree the suit in favour of the respondent-plaintiff.
6. The appellant, feeling aggrieved and dissatisfied with the concurrent findings, judgments, and decrees rendered by the learned Courts



below, has approached this Court by way of the present Regular Second Appeal under Section 41 of the Punjab Courts Act, 1918, laying challenge to the legality, propriety, and correctness of the impugned decisions.

7. I have given my thoughtful and anxious consideration to the submissions advanced by learned counsel for the appellant and have examined them in the light of the pleadings of the parties, the evidence adduced on record, and the concurrent findings rendered by the learned Courts below. The paper-book case has been scrutinized with meticulous care to assess the rival contentions and to ascertain *‘whether the impugned judgments and decrees suffer from any legal infirmity, jurisdictional error, or perversity of approach that would warrant interference by this Court in the exercise of its appellate jurisdiction under Section 41 of the Punjab Courts Act, 1918’?*

8. Learned counsel for the appellant has strenuously assailed the impugned judgments and decrees, contending that it was incumbent upon the respondent-plaintiff to apply for conversion of his electricity connection from the RDS Feeder to the AP Feeder in order to avail the concessional tariff applicable to fishery farms. It is argued that, since no such conversion was sought by the respondent-plaintiff, the demand raised by the appellant-Nigam was justified, and both the Courts below erred in ignoring this material aspect.

8.1. Having perused the record and examined the judgments rendered by the Courts below, this Court finds that the electricity connection in question was admittedly released to the respondent-plaintiff for the purpose of operating a fish farm. The State of Haryana, with a view to encouraging aquaculture activities, has extended the benefit of electricity



supply at concessional rates to such consumers. Once the connection was applied for and sanctioned specifically for a fishery unit, the responsibility to ensure that the supply was provided from the appropriate feeder whether RDS or AP rested upon the appellant-Nigam and not upon the consumer. The consumer cannot be faulted for any administrative or technical lapse on the part of the supplier.

8.2. In view of the above discussion and finding no error, perversity, or illegality in the concurrent findings of the Courts below, this Court discerns no ground to warrant interference in the exercise of appellate jurisdiction. Consequently, the present appeal, being devoid of merit, stands dismissed.

9. Since the main appeal has been adjudicated and stands disposed of by this judgment, all pending miscellaneous applications, if any, which are ancillary or consequential to the present proceedings, shall also stand disposed of accordingly in view of the final decision rendered herein.

27.10.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No