

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT
PANCHKULA**

Case No. HERC/P. No. 89 of 2025

Date of Hearing : 06/10/2026

Date of Order : 12/10/2026

IN THE MATTER OF:

Petition under Section 43 read with Section 86(1) of the Electricity Act, 2003, Regulation 16 & 17 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014, and Regulations 65, 68, 69, 70 & 71 of the HERC (Conduct of Business) Regulations, 2019, seeking appropriate directions for permitting the shifting of the unreleased Tubewell Connection applied by Sh. Surinder Pal to an alternate location due to bore failure and associated agricultural exigencies.

Petitioner

Sh. Surinder Pal S/o Hirda Ram, H. No. 12, Vill. Shahzadwala, Yamunanagar.

VERSUS

Respondent:

Uttar Haryana Bijli Vitran Nigam Limited through its CE / Comml., Vidyut Sadan, IP 3 & 4, Sector 14, Panchkula.

Present

On behalf of the Petitioner

Sh. Akshay Gupta, Advocate

On behalf of the Respondent.

1. Sh. Aditya Gautam, Advocate
2. Sh. Bhavdeep Modi, Advocate

QUORUM

**Shri Mukesh Garg, Chairman
Shri Shiv Kumar, Member**

ORDER

1. Petition:

- 1.1 That the Petitioner, Sh. Surinder Pal S/o Sh. Hirda Ram, is an agriculturist and a resident of Village Shahzadwala, lock Pratap Nagar, District Yamunanagar.
 - 1.2 That the Petitioner is filing the instant petition under Section 43 read with Section 86(1)(i) of the Electricity Act, 2003, Regulation 16 & 17 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014, and Regulations 65, 68, 69, 70 & 71 of the HERC (Conduct of Business) Regulations, 2019, seeking appropriate directions for permitting the shifting of the unreleased Tubewell Connection applied by Sh. Surinder Pal to an alternate location due to bore failure and associated agricultural exigencies.
- A. FACTUAL BACKGROUND LEADING TO FILING OF INSTANT PETITION-
- 1.3 That the Petitioner applied for an Agriculture Pumping (AP) Tubewell Electricity Connection for his agricultural land situated in Village Shahzadawala by submitting an application dated 29.12.2021 bearing Application No. Y33-1221-167. Load of my connection is less than 15 kW. The said application was duly accepted b' the Respondent-Nigam and processed in accordance with the applicable provisions of the Electricity Act, 2003 and the HERC Electricity Supply Code Regulations, 2014. A copy of the application dated 29.12.2021 is annexed.
 - 1.4 That thereafter, the Respondent-UHBVN issued a Service Connection Order (SCO/SJO) dated 17.06.2025 in respect of the above-mentioned application. The SCO contained a procedural note directing verification of any pending defaulting amount before installation of the electricity meter. Except for this standard verification requirement, no objection, deficiency, or non-compliance was ever communicated to the Petitioner. Thus, all formal requirements for release of the AP connection stood substantially complied with by the Petitioner. A copy of the Service Connection Order/SJO is annexed.
 - 1.5 That the Petitioner had an existing operational tubewell on the said land; however, the bore became non-functional due to a clogged filter, resulting in complete failure of the existing water source. Consequently, and in order to protect his standing crops and ongoing agricultural activities, the Petitioner was compelled to drill a new tubewell of 43 meters depth, located 183 meters away from the earlier site. The new bore is situated within the Petitioner's continuous agricultural landholding and is indispensable for irrigation and continuation of agricultural operations.
 - 1.6 That on 25.07.2025, one Rishi Pal, a resident of the same village, lodged a complaint before the Respondent-Nigam objecting to the release of the Petitioner's AP connection. It is respectfully submitted that the said objection pertains purely to private land disputes, which have no relevance to the statutory right of the Petitioner to obtain an electricity connection. The Petitioner remains in undisputed, peaceful possession and cultivation of the land on which both the original and newly drilled

bores are located. Under settled law and HERC Regulations, such private objections cannot be a basis for refusing or delaying electricity supply.

- 1.7 That in light of the Petitioner's request for shifting of the tubewell connection due to bore failure, the SDO, OP Sub-Division, UHBVN, Chhachhrauli, issued Letter No. 2110 dated 0.07.2025 to the Hydrologist, Ground Water Cell, Ambala City requesting issuance of a Bore Failure Certificate. The said request was issued in accordance with the established procedure followed by the Nigam in cases where the bore has failed due to natural or technical reasons. A copy of the letter no. 2110 dated 30.07.2025 is annexed.
- 1.8 That pursuant thereto, the Hydrologist, Ground Water Repository, Ambala conducted an inspection and issued a Bore Failure Report dated 19.08.2025, confirming that the Petitioner's earlier bore had failed due to a clogged filter. The Report further certified that a new bore had been drilled at a depth of 43 meters and that the new site is situated 183 meters from the original bore. Importantly, the Hydrologist clarified that the Report is confined strictly to the technical confirmation of bore failure and does not concern itself with any property or family disputes among the applicant or relatives. A copy of the Bore Failure Report dated 19.08.2025 is annexed.
- 1.9 That the Petitioner has also purchased a new motor pump set and allied accessories worth from M/S Jog Dhian Marketing Group, evidencing preparedness for immediate energisation of the new bore. The Petitioner thereafter submitted a detailed representation to the Respondent-Nigam seeking shifting/restoration of the AP tubewell connection to the newly drilled site. A copy of the Cash invoice is annexed.
- 1.10 That despite issuance of a valid SCO dated 7.06.2025 and a Bore Failure Certificate dated 19.08.2025, the Respondent-Nigam has failed to release or shift the Petitioner's AP connection. The processing of the Petitioner's request is being withheld solely on the basis of private objections raised by third parties relating to alleged family/ancestral land disputes. Such objections are wholly irrelevant and impermissible grounds under the Electricity Act, 2003 or the HERC Regulations for refusing or delaying supply of electricity.
- 1.11 That the Respondent's inaction amounts to a violation of Section 43 of the Electricity Act, 2003 (statutory duty to supply electricity), Regulation 4.6 of the HERC Electricity Supply Code Regulations, 2014 (shifting of connection due to technical infeasibility or bore failure) and the HERC Duty to Supply Electricity Regulations, 2007. The continued non-release of the connection is arbitrary, unreasonable, and contrary to law, causing serious prejudice to the Petitioner who is unable to irrigate his agricultural fields and sustain agricultural operations.
- 1.12 12. That, further, the Petitioners have also examined the internal framework of UHBVN governing the shifting of Agricultural Pumping (AP) category tubewell connections. The relevant provisions are contained in the UHBVN Sales Circular (at page 92 of the Sales Manual), which permits shifting of tubewell connections in two broad situations—(a) where the land is acquired by HUDA or any other State

Agency, and (b) in cases of salinity of water, bore failure, non-yielding bore, or other technical reasons. The Circular expressly provides that shifting may be allowed anywhere within the jurisdiction of UHBVN, subject to fulfilment of the following mandatory conditions:

- i. Certification of salinity / non-suitability of water by the Ground Water Cell of the Irrigation Department in cases where shifting is sought on grounds of water salinity, including certification of water suitability at the proposed new site;
- ii. Shifting shall also be allowed in cases involving failure of bore or any other genuine technical reason;
- iii. Both connected and disconnected tubewell connections are eligible for shifting, subject to the above conditions;
- iv. The land at the new location must stand in the same name as the land where the original tubewell connection exists—no change of name is permitted; and
- v. The consumer must not be a defaulter in payment of any electricity dues.

A copy of the page 92 of the UHBVN sales Manual is annexed.

These provisions demonstrate that the Nigam itself recognizes the technical contingencies requiring shifting of tubewell connections and has framed an internal mechanism for the same. The Petitioner fully satisfies the conditions under the UHBVN Sales Manual (SC No. U-01/2005 & U39/2010), which permits shifting of AP tubewell connections in cases of bore failure or similar technical reasons. The bore failure stands duly certified by the Hydrologist, and the new bore has been drilled within the Petitioner's own land, fulfilling all prescribed requirements. Accordingly, the shifting request is fully compliant, and the Respondent-Nigam is bound to process it. Any refusal on the basis of private objections is contrary to the Sales Manual and untenable. A copy of the relevant portion of the Sales Circular, 2005 and 2010 are annexed.

1.13 That the conditions also stipulated under Sales Circular No. D-47/2014 dated 03.12.2014, issued by the DHBVNL, specifically permit shifting of existing AP tubewell connections in cases of salinity of water, bore failure, non-yielding bore, or other similar technical exigencies. The Circular expressly recognizes that where an old bore has become non-functional and a new bore has been drilled within the same landholding, the connection shall be eligible for shifting. A copy of this sale circular is annexed.

1.14 Similar Cases:

- i. DHBVNL: A similar case has been received from SE/OP Circle, DHBVN, Narnaul regarding AP application in the name of Sh. Shankar Dutt S/o Sh. Harnaryan, Village Mahasar, bearing A&A No. N13-1218-494 dated 31.12.2018 under Sub Division, DHBVN, Ateli, before release of connection. In the said case, the applicant requested revival of the application with change of site for release of AP connection. It is pertinent to mention that the applicant had already deposited the consent money and demand notice charges, and the

site for which change was sought falls under the same subdivision jurisdiction.

- ii. UHBVNL: The applicant, Sh. Nirbhay Singh, Karnal applied for an AP tubewell connection (Application No. L36-119-121 dated 24.01.2019). A demand notice was issued on 05.06.2023, and consent money of 30,000/- was deposited on 01.09.2023. The applicant has submitted a request through Jan Samvaad for shifting the applied connection to a new site, as the land originally applied for has been sold.

B. PROVISION REGARDING SHIFTING OF UNRELEASED TUBEWELL CONNECTION IN OTHER STATE -

- 1.15 That, as has been elucidated hereinabove under the factual background, the necessity of filing the instant petition has emanated solely due to the arbitrary and unjustified refusal of the Respondent-Nigam to release or shift the Petitioner's AP tubewell connection despite the issuance of the Service Connection Order dated 17.06.2025 and the Bore Failure Certificate dated 19.08.2025 issued by the competent Hydrologist. It is imperative here to point out that as per the existing regulatory framework in the State of Haryana, there are various conditions with regard to shifting of tubewell connection for multiple reasons. Reference is made to Sales Circular No. D-33/2001 dated 15.03.2001, vide which instructions were issued that shifting of tubewell connections on account of failure of bore or for any other reason can be permitted in the boundary of the same village land area and in the name of same consumer. Detailed conditions were stipulated in the said circular. A copy of the Sales Circular No. D-33/2001 dated 15.03.2001 is appended.
- 1.16 That the Petitioner has also examined the regulatory framework prevalent in other States. However, the said conditions were found only in PSERC (Electricity Supply Code, Standards of Performance and Related Matters) Regulations, 2024. The relevant conditions in PSERC Electricity Supply Code Regulations are reproduced hereunder for ready reference:

Regulation II(3)(iii)

"(iii) Where an applicant for AP connection requests for extension/reduction in load &/or shifting the site of connection within the validity period/extended validity period of demand notice, the distribution licensee may issue a fresh demand notice incorporating necessary changes.

Provided that if after issue of demand notice (except in case of priority granted to the individual applicant due to his persona/ status viz handicap/ex-service man/freedom fighter(members of schedule caste etc) but before release of connection the applicant or the new owner requests for the change of name due to transfer/sale/purchase of land or property etc., within the validity period/extended validity period of demand notice, the distribution licensee may issue a fresh demand notice incorporating necessary changes due to change of name subject to fulfilment of following conditions:

- a) Submission of no objection certificate on non-judicial stamp paper of Rs. 15/- by the original applicant to the effect that he has no objection if the tube well connection is released to the new owner of the land to whom the land has been sold by him and initial security, or any other deposit made by him in its name be transferred in the name of the new owner of the land. Alternatively, a registered sale deed indicating the transfer of tube well connection along with land to the new owner shall also be admissible for processing such case of change of name without insisting on separate NOC.
- b) Submission of documentary proof from the revenue authorities (Tehsildar/Patwari) for sale of land by the original applicant to the new owner of the land to whom the land has been sold.
- c) Submission of new A&A form duly signed by the new owner of the land along with payment of charge as may be applicable. The above regulation shall also be applicable to all cases, whether pending or otherwise, for change of name where demand notice has already been issued and/or sale of land has taken place before notification of these regulations. The seniority in case of new applicant shall be reckoned from the date of original application.

Provided further that in case of death of original applicant after issue of demand notice but before release of AP connection, the change of name in the event of transfer/sale/purchase of the land during this period may be allowed subject to fulfilment of conditions mentioned at sub-clause (a) to (c) of this clause (iii).

Provided also that the change of name to the legal heirs in the event of death of original applicant after issue of demand notice but before release of AP connection shall be allowed as per procedure under Regulation 27(1)(ii) of this Code. "(Emphasis Supplied)

Regulation 27(1)

(1) " Procedure for Change of Title or Transfer of Agreement

A consumer shall not assign, transfer or part with the benefit of the agreement or create any partial or separate interest without the consent in writing of the distribution licensee. In the event where it is found that the consumer has assigned or transferred or part with the benefit of agreement for a connection to another person without the approval of the Licensee, a notice shall be served upon the consumer requiring that transfer of the connection be sought as per the procedure prescribed within 30 days of the service of notice. The connection shall be liable to be disconnected in case no application is submitted to the distribution licensee within the period indicated in the notice.

A connection can be transferred in the name of another person upon death of the consumer or in case of sale of property or division of property or change of ownership of a firm in accordance with the procedure and conditions specified below:

In Case of the death of a consumer (other than AP supply)

In the event of death of a consumer (except AP supply), the heirs may apply for the connection to be transferred in the name of one of the heirs.

The application (A&A form) shall be accompanied by the following documents:

- a) Death certificate*
 - b) Succession certificate*
 - c) No objection from other heirs for transferring the connection in the name of one of the heirs*
 - d) In the absence of document at (b) above, al/ the heirs may submit an affidavit duly attested by a Magistrate identifying the legal heirs and their consent to the connection being transferred in the name of a particular heir*
 - e) The distribution licensee shall on the submission of above documents, transfer the connection subject to the condition that all outstanding dues are cleared and charges, as indicated in the Schedule of General/ Charges approved by the Commission and/or the actual cost of providing service as applicable, have been deposited by the transferee. The transferee shall also be eligible to get the connection shifted after depositing the specified charges and completion of other formalities.*
- (ii) In case of the death of AP supply Consumer In the event of death of an AP supply consumer, the heir(s) may apply for the connection to be transferred In the name of one or more of the heirs. The application (A&A form) shall be accompanied by the following documents:*
- a) Death certificate*
 - b) Succession certificate. Alternatively, SajjraNasad certified by the revenue officers shall also be acceptable in place of succession certificate. The officer of the distribution licensee shall issue a notice to arrange for a gathering of the villagers of the concerned village for seeking objections from al/ claimants//equal heirs of the deceased consumer as appearing in SajjraNasad. The certification on plain paper Page 67 regarding the death of the consumer by his/her legal heirs/claimants duly authenticated by Gram Panchayat/Nambardar will be prepared in front of villagers and there will be no need of an affidavit. The distribution licensee shall on the basis of certification, transfer the connection in the name of the legal heir(s) subject to payment of charges as per Schedule of General Charges.*
 - c) No objection from other the heirs for transferring the connection in the name of one or more of the heirs.*
 - d) Authorization from all the heirs to appoint one of the heirs as "principal heir" to represent al/ of them for signing A & A form, payment of charges/dues and other matters relating to the electricity supply to the tube well connection.*
 - e) In the absence of documents at (a) and (b) above, all the heirs may submit an affidavit duly attested by a Magistrate confirming the death of the consumer, identification of the legal heirs and their consent to the connection being transferred in the name of heir(s).*
 - f) The distribution licensee shall on the submission of above documents, transfer the AP supply connection subject to the condition that al/ outstanding dues are cleared and charges, as indicated in the Schedule of General/ Charges approved by the Commission and/or the actual cost of providing service as applicable, have been deposited by the transferee.*

The transferee(s) shall also be eligible to get the connection shifted after depositing the specified charges and completion of other formalities. Provided that in case of shifting of jointly owned AP supply connection, the "principal heir" shall not be allowed to get the connection shifted unless NOC from all the legal heir(s) is obtained.

- (iii) *In case the transfer of the connection is not obtained within 6 months of the death of a consumer and later on the same is detected by distribution licensee, a notice shall be issued by the distribution licensee requiring that any of the heirs should submit an application for transfer of the connection within 30 days of the service of notice. The connection is liable to be disconnected in case no application is submitted to the distribution licensee within the period indicated in the notice. "*

A copy of the relevant extract of PSERC Electricity Supply Code is appended herewith marked as Annexure P-11.

- 1.17 That the Petitioner has fulfilled all statutory, regulatory, and procedural requirements for shifting of the AP Tubewell Connection, including obtaining a Bore Failure Certificate from the competent authority and establishing that the new bore is situated within his own agricultural land. The Petitioner has undertaken all necessary steps in good faith and in full compliance with the UHBVN Sales Manual, Sales Circular D-47/2014, and the HERC Electricity Supply Code.
- 1.18 That the Respondent-Nigam's continued inaction, despite issuance of a valid SCO and confirmation of bore failure, is unjustified and contrary to the mandate of Section 43 of the Electricity Act, 2003. The objections raised by private individuals pertaining to family or land disputes have no legal relevance in the matter of release or shifting of an electricity connection. Such objections cannot override the statutory duty of supply or the clear regulatory provisions enabling shifting in cases of bore failure or technical reasons.
- 1.19 That the Petitioner is suffering serious and continuous hardship due to the non-availability of irrigation facilities, adversely impacting agricultural operations and livelihood. In these circumstances, it is most humbly prayed that this Hon'ble Commission may be pleased to grant the reliefs sought in the interest of justice, equity, and fair play, and pass any other appropriate directions deemed fit.
- 1.20 That the present Petition is being filed bonafide and in the genuine pursuit of securing the lawful and rightful relief to which the Petitioner is entitled under the applicable statutory and regulatory framework.
- 1.21 That the Hon'ble Commission has jurisdiction to deal with the issues raised by way of the present petition.

PRAYER

In light of the above, the Petitioners respectfully prays that the Hon'ble Commission may:

- i. Direct the Respondent-UHBVN to forthwith release and/or shift the Petitioner's AP Tubewell Electricity Connection to the newly drilled bore, in terms of the Service Connection Order dated 17.06.2025 and the Bore Failure Certificate dated 19.08.2025.

- ii. Hold that private property or family disputes raised by third parties cannot be a ground to deny or delay electricity supply under Section 43 of the Electricity Act, 2003 and the applicable HERC Regulations.
- iii. Declare that the Petitioner's request for shifting is fully compliant with Sales Circular D-47/2014 and the relevant provisions of the UHBVN Sales Manual (SC No. U-01/2005 & U-39/2010).
- iv. Direct the Respondent-Nigam to take immediate necessary action for installation of the meter, energisation of supply, and completion of all formalities without further delay.
- v. That applicant respectfully requests exemption from the payment of the requisite court fee as applicant is a farmer by occupation and depends solely on limited agriculture income. It is therefore prayed that hon'ble Commission may kindly exempt the petitioner from paying the court fee, in the interest of justice.
- vi. Pass any other order as the Hon'ble Commission may deem fit, keeping in view the facts of the matter submitted by Petitioners.

2. The case was heard on 04/12/2025. Sh. Akshay Gupta Counsel for the petitioner re-iterated the contents of the petition and submitted that initially proposed bore was failed and request was submitted for shifting the site of connection alongwith bore failure certificate from hydrologist but the connection has not been released till date on a complaint made by third party. The petitioner himself was present in the court and stated that requisite amount as per demand notice has already been deposited but the connection has not been released on a complaint made by third party. The material for release of connection i.e. poles etc is already lying at site. To the query of the Commission, the counsel of the respondent submitted that there is no procedure/ instructions for shifting of bore site before release of tubewell connection, besides a complaint from neighbour. The respondents further submitted that the connection will be released with in 15 days. The Commission was apprised that UHBVN and DHBVN has filed a petition for defining a procedure for pre-release shifting of the tubewell connections due to various reasons like bore failure, acquisition of land by Govt. etc. which is listed for hearing on 06/01/2026. The Commission after going through the contents of the complaint finds no weight in the same and as an interim measure directs the respondent to release the connection with in 15 days and compliance report be filed before next date of hearing. The case will be heard alongwith earlier petition no. 88 of 2025 filed by DISCOMs.

3. Reply of respondent submitted on 02/01/2026.

I have gone through the writ petition. I am conversant with the facts of the case and competent to file the present written statement on behalf

of Respondents. That Respondents are hereby referred as Answering Respondents. The written statement reads as:-

PRELIMINARY OBJECTIONS/SUBMISSIONS :

- 3.1 That at the outset, it is respectfully submitted that the Respondents have fully complied with the directions issued by this Hon'ble Commission vide Order dated 04.12.2025, whereby the Respondents were directed to release the electricity connection in favour of the Petitioner. The connection stands released in compliance with the said order, and therefore, no issue of wilful disobedience or non-compliance survives.
- 3.2 That at the outset, the Respondent denies all averments, contentions and submissions made in the Petition that are contrary and/or inconsistent with what is stated hereinafter. Nothing should be deemed to have been admitted by the Answering Respondent, merely for the want of specific denial.
- 3.3 That the petition does not involve any substantial or arguable question of law warranting interference under Section 86(1)(i) of the Electricity Act, 2003 read with Regulation 16 and 17 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations 65,68,69,70 and 71 of the HERC (Conduct of Business) Regulations , 2019. The entire cause of action, as alleged by the Petitioner, pertains to shifting of the unreleased Tubewell Connection applied by the complainant to an alternate location due to bore failure and associated agricultural exigencies .
- 3.4 That the brief factual matrix in the present matter are
 - a. The Petitioner, Sh. Surinder Pal, applied for an Agriculture Pumping (AP) tubewell electricity connection for his agricultural land situated in Village Shahzadwala, District Yamunanagar, vide application dated 29.12.2021 bearing Application No. Y33-1221-167 for a sanctioned load of less than 15 kW. The said application was duly registered and processed by the Respondent-Nigam in accordance with the Electricity Act, 2003.
 - b. After completion of the requisite procedural formalities, the Respondent-Nigam issued a Service Connection Order (SCO) dated 17.06.2025 in favour of the Petitioner, subject to standard verifications as prescribed under the applicable rules and instructions.
 - c. During the process of release of the connection, the Petitioner submitted a request for shifting of the unreleased AP connection on the ground of failure of the existing bore. In accordance with the established procedure, the matter was referred to the Hydrologist, Ground Water Cell, Ambala City, for technical verification. The Hydrologist, after inspection, issued a Bore Failure Report dated 19.08.2025.
 - d. That the sales instructions No. U-4/2008 issued from General Manager/Commercial, UHBVN, Panchkula mandates stricter verification to ensure that Agriculture Pumping (AP) tubewell connections are released strictly at the Muraba/Killa number mentioned in the applicant's Fard. While applicants are already

required to submit a copy of the Fard to the SDO (Operations) indicating the specific Muraba/Killa number, instances have been noticed where connections were released at locations different from those recorded in the revenue documents. To prevent such irregularities, the Nigam has directed that the Feeder Incharge must associate with the concerned area Patwari at the time of preparing the estimate and obtain a certificate confirming the correctness of the Muraba/Killa number shown by the applicant.

- e. The Respondents respectfully submit that shifting of an unreleased AP connection within the same Mauja stands on a materially different footing than shifting to a different Mauja, which involves changes in revenue records, jurisdictional mapping, feeder alignment, and technical sanction. The Petitioner's case involved a request for shifting to land falling in a different Mauja number, which necessitated careful scrutiny at multiple administrative levels and report from the patwari.
- f. It is further submitted that immediately upon receipt of the order dated 04.12.2025, and without prejudice to the Respondents' interpretation of the applicable circulars, the Respondents processed the case expeditiously and released the connection in obedience to the directions of this Hon'ble Commission, thereby demonstrating utmost respect for the authority of this Hon'ble Forum.
- g. Consequently, the Respondent-Nigam has already complied with the request and released/issued the Agriculture Pumping tubewell electricity connection in favour of the Petitioner, in accordance with law and the applicable regulatory framework within the timeline provided by the Hon'ble Commission.
- h. In view of the above, the grievance raised in the present petition does not survive, as the relief sought by the Petitioner has already been granted by the Respondent-Nigam. The Respondent has acted bonafide, within the four corners of the Electricity Act, 2003, HERC Regulations, and the relevant Sales Circulars.

REPLY ON MERITS

- 3.1 That the contents of this para 1 is a matter of record and hence, warrants no reply.
- 3.2 That the contents of this para 2 is a matter of record and hence, warrants no reply. However, it is denied that the Petitioner had an unfettered or automatic right to shifting of an unreleased AP connection irrespective of jurisdictional and regulatory limitations.
- 3.3 That the contents of para 3 to 5 are admitted to the extent that the Petitioner applied for an AP tubewell connection and that a Service Connection Order dated 17.06.2025 was issued. It is, however, submitted that issuance of an SCO does not, ipso facto, entitle an applicant to unilateral alteration of the site, particularly when such alteration results in a change of Mauja number, which is expressly restricted under the applicable Sales Circulars.
- 3.4 That the contents of para 6 are denied as objections raised by third parties were the sole or determinative reason for withholding the

release. The primary issue was change of Mauja number, which is a substantive regulatory impediment. Private objections, if any, were only incidental and not the basis of the Respondents' action.

- 3.5 That the contents of para 7 are admitted .
- 3.6 That the contents of para 8 are a matter of record. It is admitted that correspondence was made with the Ground Water Cell and that a Bore Failure Certificate dated 19.08.2025 was issued. The Respondents submit that the Bore Failure Certificate only certifies technical failure and does not override jurisdictional or regulatory prohibitions relating to site shifting.
- 3.7 That the contents of para 9 are denied as procurement of equipment by the consumer does not create a vested right to compel the Respondents to act contrary to binding circulars.
- 3.8 That the contents of para 10 are denied as objections raised by third parties were the sole or determinative reason for withholding the release. The primary issue was change of Mauja number, which is a substantive regulatory impediment. Private objections, if any, were only incidental and not the basis of the Respondents' action.
- 3.9 That the contents of para 11 are denied as The averments alleging violation of Section 43 of the Electricity Act, 2003 are misconceived and denied. Section 43 mandates supply of electricity subject to compliance with applicable laws, regulations, and codes. The Respondents were acting strictly in accordance with the Sales Manual and Circulars, which form an integral part of the regulatory framework.
- 3.10 That the contents of para 12 and 13 are denied as reliance placed on UHBVN Sales Manual and Sales Circulars, it is submitted that the same must be read holistically. While bore failure is a recognized ground for shifting, the same is subject to the condition that the shifting does not result in change of Mauja unless expressly permitted. The Petitioner's case involved a different Mauja number, which placed the matter outside the routine administrative domain.
- 3.11 That the contents of para 14 are denied as the cases referred have different facts and circumstances.
- 3.12 That the contents of para 15 are denied for the reasons stated above and are not repeated for the sake of brevity.
- 3.13 That the contents of para 16 are denied. The Respondents submit that circulars of other States, including PSERC Regulations, have no binding applicability within the territorial jurisdiction of Haryana. Each State Commission operates under its own statutory and regulatory framework, and cross-State reliance is only persuasive, not mandatory.
- 3.14 That the contents of para 17 to 20 are denied as Respondents acted arbitrarily or with ulterior motive. On the contrary, the Respondents exercised due diligence to balance statutory duty with regulatory compliance. Upon adjudication by this Hon'ble Commission and issuance of directions on 04.12.2025, the Respondents complied forthwith, thereby rendering the grievance substantially redressed.
- 3.15 That the contents of para 21 are a matter of record.

PRAYER

That the prayer of the petitioner stands complied with and the AP connection of the petitioner stands already released.

4. The case was heard on 06/01/2026. The counsel of the respondent submitted that the compliance to the earlier directions have been made and the connection to the petitioner has been released. The Commission adjourned the matter and directed that the case will be heard alongwith petition no. 88 of 2025 filed by DISCOMs in the same matter .
5. The case was heard on 29/04/2026. The counsel of the respondent submitted that the compliance to the earlier directions have been made and the connection to the petitioner has been released. The Commission adjourned the matter and directed that the case will be heard alongwith petition no. 88 of 2025 filed by DISCOMs in the same matter..
6. The case was heard on 08/07/2026. The counsel of the petitioner submitted that the connection to the petitioner has been released. However the matter may be heard alongwith similar petition filed by DHBVN. Acceding to request, the Commission adjourns the case and decides to hear the same alongwith petition no. 88 of 2025 filed by DISCOMs in the similar matter.
7. The case was heard on 26/08/2026. The counsel of the petitioner submitted that the connection to the petitioner has been released. However, the matter may be heard along with similar petition filed by DHBVN. Acceding to request, the Commission adjourns the case and decides to hear the same along with petition no. 88 of 2025 filed by DISCOMs in the similar matter.

Commission's Order:

1. The case was heard on 06/10/2026, as scheduled, in the court room of the Commission along with public hearing in petition no. 88 of 2025 filed by DISCOMs in the similar matter. No representation was received from any of the stakeholders / public in the petition.
2. The counsel of the petitioner submitted that the petition was filed for release of tubewell connection of the petitioner. In compliance to the directions of the Commission vide interim order dated 04/12/2025 the connection to the petitioner has been released and for procedure of pre-release shifting of tubewell connections has been taken up in the P.No. 88 of 2025.

3. The Commission observes that requisite relief has already stands granted to the petitioner. As such, nothing remains to be adjudicated in the present matter and disposes of the present petition.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 12/10/2026.

Date: 12/10/2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Chairman

HERC