



(Regd. Post)
R.P./Email

Appeal No : **21 of 2026**
Registered on : **16.06.2026**
Date of Order : **06.08.2026**

In the matter of: -

Appeal against the order dated 29.05.2026 passed by CGRF, DHBVN Gurugram in case No 5011/2025

Shri Virender Singh Lathar, House No. 1170, Urban Estate, District, Jind,
Haryana

Appellant

Versus

1. The XEN/OP Divin., Jind, DHBVN, Jind
2. SDO/OP Sub Division, Julana, DHBVN, Jind

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Virender Singh Lathar

Present on behalf of Respondents:

Shri Ashok Kumar, SDO

ORDER

A. Shri Virender Singh Lathar has filed an appeal against the order dated 29.05.2026 passed by CGRF, DHBVNL, Gurugram in case no. 5011 of 2025. The appellant has submitted as under: -

- 1 Brief facts of my application are that the appellant is owner of the land measuring 51 Kanals 7 Marlas of land comprised in Khewat No. 191 Khatoni No.221 measuring 51 Kanals 7 Marlas vide Jamabandi for the year 2018-2019 of Village Lajwana Kalan, Tehsil Julana Distt. Jind. The appellant applied for new Tubewell connection of 5.5 KW i.e. 7.5 HP vide application No. J13-721-218 dated 30.7.2021 with SDO, DHBVN, Julana Distt. Jind. Sales Circular No. D-17/2023 dated 30.5.2023 was issued by CE/Commercial DHBVN, Hisar and decided to issue demand notice to the applicants who have applied for tubewell connection from 1.1.2019 to 31.12.2021 subject to the condition that the tubewell connection up to 10 BHP shall be released by HAREDA on solar off grid mode and the tubewell applicants/farmers above 10 BHP to 35 BHP shall be eligible to release new tubewell connection by the Nigam. The appellant submitted on line application No. J13-623-15 dated 1.6.2023 for extension of load from 7.5 BHP to 12.5 BHP and also submitted separate hard copy of application dated 1.6.2023 duly signed by appellant. That on 6.6.2023 the appellant was informed with the remarks CONNECTION NOT RELEASE with status of application: Connection has Cancelled. The appellant filed Civil Writ Petition No. 13933 in Honorable High Court of Punjab and Haryana, but the same was withdrawn on 16.5.2025 with liberty to approach apt forum concerned

i.e. Consumer Grievance Redressal Forum for the relief, as sought, through the instant writ petition. Consequently, the instant writ petition is dismissed as withdrawn with the liberty as aforesaid (all the relevant documents are attached with the main file decided on 29.5.2026 and also attached with appeal.

- 2 That on 20.5.2025 the appellant filed application before Chairperson Corporate Forum For Redressal Of Consumer Grievances, DHBVN, Gurugram registered as case No. DH/CGRF 4939/2025 date of Institution 18.8.2025, Date of Hearing 28.8.2025, Date of order 8.9.2025, where the application filed by the appellant was remanded by Chairperson, Corporate Forum For Redressal Of Consumer Grievances, DHBVN, Gurugram to Chairman (S.E.) CGRF Circle, Jind to decide the application. That Ld. Chairman (S.E.) CGRF Circle, Jind dismissed the application on 25.10.2025.
- 3 That the appellant filed appeal against judgment dated 25.10.2025 before Chairman Zonal CGRF, Hisar. Vide judgment dated 15.01.2026 (Issued vide letter dated 10.02.2026 received on 16.2.2026 in Case No. CGRF File-181/2025 date of decision 15.01.2026 Chairman Zonal CGRF, Hisar dismissed the appeal.
- 4 That the appellant filed appeal against judgment dated 15.01.2026 Case No.DH/CGRF 5011/2026 Date of institution 26.2.2026 date of order 29.5.2026 before Corporate Forum For Redressal of Consumer Grievances, DHBVN, Gurugram. The appeal was dismissed.

GROUND

- 1 That Corporate Forum For Redressal of Consumer Grievances, DHBVN, Gurugram has committed an error in dismissing the appeal without any plausible reason and ground. The appeal filed by the appellant is liable to be accepted and the order passed by Corporate Forum For Redressal of Consumer Grievances, DHBVN, Gurugram is liable to be set aside on the following grounds:-
 - i) That the submissions of the appellant were not properly considered and reasoned findings are bare absent in the impugned judgment and the same is arbitrary, non speaking and contrary to law.
 - ii) That there is no ban on apply for extension of load before issue of connection. The extension of load was applied through on line mode, if the respondent could not accept the extension of load before issue of connection the online application could not have been accepted. The same should have not been allowed online.
 - iii) That the appellant submitted on line application No. J13-623-15 dated 1.6.2023 (consisting of Jamabandi, Aksizra, Adhar Card and photo) for extension of load from 5.5 KW i.e. 7.5 BHP to 9.32 KW i.e.12.5 BHP and also submitted separate hard copy of application dated 1.6.2023 with all relevant documents duly signed by appellant (on letter head of the appellant as Virender Singh Lather, Advocate, Mobile No. 9416378839, Chamber No. 10, Distt. Courts, House No. 1170, Urban Estate, Jind (Haryana). It shows that the appellant has submitted relevant documents his full details and contact details.

- iv) That the respondent without looking into the documents submitted by the appellant has shown to sent the letter (intimation about apply to HAREDA for getting Solar being application for below 10 HP) No. 2058 dated 17.6.2023 to the wrong address of village Lajwana Kalan, Tehsil Julana Distt. Jind where the land for tubewell is situated. The above letter was never sent on correct address and was not received by the appellant sent on wrong address. However the correct address was given on Adhar Card and the hard copy dated 1.6.2023 submitted to respondent. No letter was received from HAREDA for getting solar connection. It clearly shows negligence on behalf of the respondent. The requisite fee deposited with the application No. J13-721-218 dated 30.7.2021 has not been refunded. Still Current Status of application No. J 13-721-218 dated 30.7.2021 on line shows Application has accepted.
- v) That Sales Circular No. D-17/2023 dated 30.5.2023 issued by CE/Commercial DHBVN, Hisar and decided to issue demand notice to the applicants who have applied for tubewell connection from 1.1.2019 to 31.12.2021 subject to the condition that the tubewell connection up to 10 BHP shall be released by HAREDA on solar off grid mode and the tubewell applicants/farmers above 10 BHP to 35 BHP shall be eligible to release new tubewell connection by the Nigam. It is not binding on the facts of the case of the appellant as order should be prospective not retrospective.
- vi) That the respondent should have extend the load from 7.5 BHP to 12.5 BHP and the application for load of 12.5 BHP should have been treated as a fresh application connection should have been released before Sales Circular No. D-17/2023 dated 30.5.2023 and Sales Circular No. D-19/2024 dated 17.7.2024.
- vii) That as per HAREDA Circular dated 31.12.2025 Serial No. 11 at page No. 1(41) (Applicants having higher family income based on their verified annual income as per Parivar Pehchan Patra (PPP) and land holding be keeping initial budget allocation in notice). Waiting List of Current application process at Page No. 2.(42) A total of 18620 applications have been placed on the Waiting List due to higher verified annual family income as per PPP data received from SARAL portal keeping in view the NABARD/MNRE sanctioned targets and budget allocation. Solar Water System connection allotted at Page No. 3 (43) Accordingly 8050 Solar Water Pumping System of various capacities have been provisionally allocated. Page No. 41 to 43.
- viii) That as per above HEREDA Circular dated 31.12.2025 the appellant does not come in the category of HAREDA As per Income Tax Return Assessment year 2025-2026(Budget 2024-2025) Page No. 44 Total income of the appellant is Rs. 690350/- and as per Parivar Pehchan Patra (PPP) income of appellant is Rs. 3000000/- to 500000/- Page No. 45 As such the appellant does not come in the category Parivar Pehchan Patra (PPP) as per HAREDA Circular dated 31.12.2025. Beside Agriculture income which does not counted for Income Tax purpose.

- ix) AS per circular of HERDA (page) Eligibility: Farmer cultivating paddy in areas where ground water is below 40 Meters are ineligible. The applicant is owner of 51 Kanals 7 Marlas (Page) and paddy crop is sown every year as shown in my Khasra Girdawri 2024-2025. The crop of paddy is sown. As such solar is not successful.
- x) As the appellant does not come under the HAREDA Circular dated 31.12.2025 his application fee application No. J 13-721-218 dated 30.7.2021 is deposited with respondent SDO, DHBVN, Julana as admitted. That the water level (Chowa) of the area of village Lajwana Kalan in June 2025 was 2.95 Meters and in October 2025 is only 1.80 Meters (5.94 feet) of village Lajwana Kalan (letter dated 17.4.2026 issued by Asstt. Geologist Ground Water Cell, Jind is enclosed.) and water level of field of appellant is 4 feet below surface. The water is Saline (Khara) not fit for irrigation. This water is available between 25-30 feet. The surface (Garh) is damaged after 2-3 years (Registivity Report dated 17.7.1997 (page).
- xi) The appellant got soil of his field analyzed from Land Examination Officer, O/O Deputy Director, Agriculture Department Jind and the land of the appellant is fertile (page).
- xii) On 23.4.2026 appellant got analyzed the water of 3 adjoining fields from Bhumi Prikshan Adhikari, Krishi and Kisan Kalyan Adhikari (page) The Water Report of Joginder (younger brother) 3330 (page), Harinder (younger brother) 2880 (page), Mohla (adjoining field owner) 3050 (page). Report of water of Joginder (younger brother) from Public Health Water Testing Lab. Jind dated 24.4.2026 shows TDS 3163 against 500, Total Hardness 1656.4 against 200, Calcium <500 against 75, Magnesium 77.6 against 30, Chloride 811.46 against 250, Sulphate 1110 against 200, Nitrate 8.3 against 45 (page). It clearly shows that the water is not fit for agriculture purpose.
- xiii) That appellant has requested to EIC Irrigation department for Registivity survey even to CM and PM window but no action.
- xiv) Appellant has to approach Registivity Survey dated 24.4.2026 of GEO AQUA VISION, Chandigarh which has reported that the water up to 320 Meters is SALINE but between 320 Meters to 440 Meters is marginally SALINE. is water is SALINE 440 Meters to 500 Meters is poor/negligible (page 33 & 34).
- xv) As the appellant does not come under the HAREDA Circular dated 31.12.2025 his application fee application No. J 13-721-218 dated 30.7.2021 is deposited with respondent SDO, DHBVN, Julana as admitted. That the water level (Chowa) of the area of village Lajwana Kalan in June 2025 was 2.95 Meters and in October 2025 is only 1.80 Meters (5.94 feet) of village Lajwana Kalan (letter dated 17.4.2026 issued by Asstt. Geologist Ground Water Cell, Jind is enclosed.) and water level of field of appellant is 4 feet below surface. The water is Saline (Khara) not fit for irrigation. This water is available between 25-30 feet. The surface (Garh) is damaged after 2-3 years (Registivity Report dated 17.7.1997 (page).
- xvi) That on 29.1.2026 the appellant personally approached the Engineer-in-Chief Irrigation & Water Resources Department, Haryana for conducting

Resistivity Survey to identify water depth and quality of water for installation of tubewell. Unfortunately the water level of Village Shamlo Kalan 10 K.M. away was supplied.

- xvii) On 30.3.2026 the appellant submitted application to CM Window and PM Window for conducting Resistivity Survey to identify water depth and quality of water for installation of tubewell(Page) but all in vain no reply as department pressurized to withdraw the applications(page)
- xviii) On the oral advise of Engineer-in-Chief Irrigation & Water Resources Department, Haryana the appellant approached GEO AQUA VISION, Chandigarh for Resistivity Survey, who served on 22.4.2024 and submitted report on 24.4.2026. which has reported that the water up to 320 Meters is SALINE but between 320 Meters to 440 Meters is marginally SALINE. is water is SALINE 440 Meters to 500 Meters is poor/negligible (page).
- xix) That in view of the circumstances mentioned above the water up to level of 320 Meters is saline not fit for agriculture purpose.
- xx) That the appellant has submitted the partly list of persons of having tubewell connections above 20 HP Villages Lajwana Kalan(I), Karsols (4), Budhakhara Lather (9), Brahmanwas(11) to whom the appellant has personally contacted. There are dozen connections in the area and connections below 20 HP are not successful.
- xxi) The possibility of water is below 320 Meters the connection of 7.5 HP is not successful as such connection of 30 HP is required. That not extending the load and release of tubewell connection is violation of Articles of 14 and 19 of the constitution and doctrine of legitimate.
- xxii) That on 21.5.2026 appellant got the water of tubewell of Sh. SunulS/o Sh. Sajjan V. Karsola tehsil Julana having tubewell connection below 1400 Feet. The TDS is 720 fit for agriculture(Page). It clearly shows that the water above 1400 fit is saline and not fit for agriculture purpose. That the Sales Circular No. D-17/2023 dated 30.5.2023 and Sales Circular No. D-19/2024 dated 17.7.2024 in which condition for Solar has been imposed retrospectively is a unseasoned order against law and is arbitrary. Honorable Supreme Court in Ajmer Vidyut Nigam Ltd V/S Hindustan Zink Ltd and another (2022INSC194) held that the order should be prospective not retrospective, Smt. Santosh Kumari V/S XEN Jind appeal No. 21 of 2025 decided on 14.8.2025 by Electricity Ombudsman, Haryana, Manish Kumar V/S XEN Mohindergarh appeal No. 25 of 2025 decided on 17.7.2025 by Electricity Ombudsman, Haryana held that the order should be prospective not retrospective. GI Hydro Private Limited V/S Haryana Electricity Regulatory Commission Appeal No. 85 of 2022 & IA No.1810 of 2024 decided on 26.5.2025 by The Appellate Tribunal For Electricity (Appellate Jurisdiction) held that tariff order dated 23.2.2022 is set aside to the extent it relied on the retrospective application of the HERC Regulations2012. M/S Orange Barcha Wind Power Pvt. Ltd V/S Madhya Pradesh Electricity Regulatory Commission Appeal No. 55 of 2021 & IA No.929 of 2021 decided on 9.7.2024 by The Appellate Tribunal For Electricity (Appellate Jurisdiction) the impugned orders

8.8.2019 and others passed by Madhya Pradesh Electricity Regulatory Commission are set aside.

- xxiii) That the condition of solar below 10 BHP can not be imposed retrospectively.
- xxiv) That the appellant is suffering loss for the last about 5 years and as such is entitled for compensation/costs of Rs. 5 Lakh as loss of crops, loss of earnings and mental harassment for want of tubewell connection.
- xxv) That the appeal is within limitation and maintainable.
- xxvi) That no other case is pending between the parties on the same cause in any court or forum.
- xxvii) That separate order for

It is there for prayed that the appeal be accepted and the respondent be directed to release the tubewell connection of appellant of application No. J13-721-218 dated 30.7.2021 or in alternate release of connection of 30 HP as the water level up to 320 Meters is Saline and the case of the appellant does not cover the conditions of solar. Any other relief for which the appellant is entitled be also granted to the appellant in the interest of justice

B. The appeal was registered on 16.06.2026 as an appeal No. 21 of 2026 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 06.07.2026.

C. On 03.07.2026, appellant has submitted synopsis which is as under:-

- 1 That after UHBVN and DHBVN Haryana Government has constituted third Electricity Vitran Company namely "Haryana Agri Discom" for mainly Tubewell connections. As such the notifications issued by Honorable Electricity Ombudsman, Haryana, the approval of Centre Government is not required and Honorable Electricity Ombudsman, Haryana is competent to issue directions for connections and other departmental directions.
- 2 Brief facts of my application are that the appellant is owner of the land measuring 51 Kanals 7 Marlas of land comprised in Khewat No. 191 Khatoni No.221 measuring 51 Kanals 7 Marlas vide Jamabandi for the year 2018-2019 of Village Lajwana Kalan, Tehsil Julana Distt. Jind. The appellant applied for new Tubewell connection of 5.5 KW i.e. 7.5 HP vide application No. J13-721-218 dated 30.7.2021 with SDO, DHBVN, Julana Distt. Jind. Sales Circular No. D-17/2023 dated 30.5.2023 was issued by CE/Commercial DHBVN, Hisar and decided to issue demand notice to the applicants who have applied for tubewell connection from 1.1.2019 to 31.12.2021 subject to the condition that the tubewell connection up to 10 BHP shall be released by HAREDA on solar off grid mode and the tubewell applicants/farmers above 10 BHP to 35 BHP shall be eligible to release new tubewell connection by the Nigam. The appellant submitted on line application No. J13-623-15 dated 1.6.2023 for extension of load from 7.5 BHP to 12.5 BHP and also submitted separate hard copy of application dated 1.6.2023 duly signed by appellant. That on 6.6.2023 the

appellant was informed with the remarks CONNECTION NOT RELEASE with status of application: Connection has Cancelled. The appellant filed Civil Writ Petition No. 13933 in Honorable High Court of Punjab and Haryana, but the same was withdrawn on 16.5.2025 with liberty to approach apt forum concerned i.e. Consumer Grievance Redressal Forum for the relief, as sought, through the instant writ petition. Consequently, the instant writ petition is dismissed as withdrawn with the liberty as aforesaid (all the relevant documents are attached with the main file decided on 29.5.2026 and also attached with appeal (Page-1).

- 3 That on 20.5.2025 the appellant filed application before Chairperson Corporate Forum For Redressal Of Consumer Grievances, DHBVN, Gurugram registered as case No. DH/CGRF 4939/2025 date of Institution 18.8.2025, Date of Hearing 28.8.2025, Date of order 8.9.2025, where the application filed by the appellant was remanded by Chairperson, Corporate Forum For Redressal Of Consumer Grievances, DHBVN, Gurugram to Chairman (S.E.) CGRF Circle, Jind to decide the application. That Ld. Chairman (S.E.) CGRF Circle, Jind dismissed the application on 25.10.2025.
- 4 That the appellant filed appeal against judgment dated 25.10.2025 before Chairman Zonal CGRF, Hisar. Vide judgment dated 15.01.2026 (Issued vide letter dated 10.02.2026 received on 16.2.2026 in Case No. CGRF File-181/2025 date of decision 15.01.2026 Chairman Zonal CGRF, Hisar dismissed the appeal.
- 5 That the appellant filed appeal against judgment dated 15.01.2026 Case No.DH/CGRF 5011/2026 Date of institution 26.2.2026 date of order 29.5.2026 before Corporate Forum For Redressal of Consumer Grievances, DHBVN, Gurugram. The appeal was dismissed.

GROUND

- 1 That Corporate Forum For Redressal of Consumer Grievances, DHBVN, Gurugram has committed an error in dismissing the appeal without any plausible reason and ground. The appeal filed by the appellant is liable to be accepted and the order passed by Corporate Forum For Redressal of Consumer Grievances, DHBVN, Gurugram is liable to be set aside on the following grounds:-
 - i) That the submissions of the appellant were not properly considered and reasoned findings are bare absent in the impugned judgment and the same is arbitrary, non speaking and contrary to law.
 - ii) That there is no ban on apply for extension of load before issue of connection. The extension of load was applied through on line mode, if the respondent could not accept the extension of load before issue of connection the online application could not have been considered. The same should have not been allowed online.
 - iii) That the appellant submitted on line application No. J13-623-15 dated 1.6.2023(consisting of Jamabandi, Aksizra, Adhar Card and photo) for extension of load from 5.5 KW i.e. 7.5 BHP to 9.32 KW i.e.12.5 BHP and also submitted separate hard copy of application dated 1.6.2023 with all relevant documents duly signed by appellant (on letter head of the appellant as Virender Singh Lather, Advocate, Mobile No. 9416378839, Chamber No. 10,

Distt. Courts, House No. 1170, Urban Estate, Jind (Haryana). It shows that the appellant has submitted relevant documents his full details and contact details.

- iv) That the respondent without looking into the documents submitted by the appellant has shown to sent the letter (intimation about apply to HAREDA for getting Solar being application for below 10 HP) No. 2058 dated 17.6.2023 to the wrong address of village Lajwana Kalan, Tehsil Julana Distt. Jind where the land for tubewell is situated. The above letter was never sent on correct address and was not received by the appellant sent on wrong address. However the correct address was given on Adhar Card and the hard copy dated 1.6.2023 submitted to respondent. No letter was received from HAREDA for getting solar connection. It clearly shows negligence on behalf of the respondent. The requisite fee deposited with the application No. J13-721-218 dated 30.7.2021 has not yet been refunded. Still Current Status of application No. J 13-721-218 dated 30.7.2021 on line shows Application has accepted vide receipt No. 1600489 dated 30.7.2021 Page No. (2 to 6). Demand Notice for site inspection was issued Page No. 6 (Page 2 to 6).
- v) That Sales Circular No. D-17/2023 dated 30.5.2023 issued by CE/Commercial DHBVN, Hisar and decided to issue demand notice to the applicants who have applied for tubewell connection from 1.1.2019 to 31.12.2021 subject to the condition that the tubewell connection up to 10 BHP shall be released by HAREDA on solar off grid mode and the tubewell applicants/farmers above 10 BHP to 35 BHP shall be eligible to release new tubewell connection by the Nigam. It is not binding on the facts of the case of the appellant as order should be prospective not retrospective.
- vi) That the respondent should have extend the load from 7.5 BHP to 12.5 BHP and the application for load of 12.5 BHP should have been treated as a fresh application connection should have been released before Sales Circular No. D-17/2023 dated 30.5.2023 and Sales Circular No. D-19/2024 dated 17.7.2024.
- vii) That as per HAREDA Haryana Flow Chart dated 31.12.2025 Page No. (7-10) Serial No. 11 at page No. 8 (Applicants having higher family income based on their verified annual income as per Parivar Pehchan Patra (PPP) and land holding be keeping initial budget allocation in notice). Waiting List of Current application process at Page No. (9) A total of 18620 applications have been placed on the Waiting List due to higher verified annual family income as per PPP data received from SARAL portal keeping in view the NABARD/MNRE sanctioned targets and budget allocation. Solar Water System connection allotted at Page No. (9) Accordingly 8050 Solar Water Pumping System of various capacities have been provisionally allocated. Page No. (10).
- viii) That as per above HEREDA Circular dated 31.12.2025 the appellant does not come in the category of HAREDA As per Income Tax Return Assessment year 2025-2026(Budget 2024-2025) Page No. (11) Total income of the appellant is Rs. 690350/- and as per Parivar Pehchan Patra (PPP) income of appellant is Rs. 3000000/- to 500000/- Page No. (12) As such the appellant does not

come in the category Parivar Pehchan Patra (PPP) as per HAREDA Circular dated 31.12.2025. Beside Agriculture income which is not counted for Income Tax purpose.

- ix) AS per circular of HERDA (page) Eligibility: Farmer cultivating paddy in areas where ground water is below 40 Meters are ineligible. The applicant is owner of 51 Kanals 7 Marlas Page No.(7) and paddy crop is sown every year as shown in my Khasra Girdawri 2024-2025 Page (17-18). The crop of paddy is sown. As such solar is not successful.
- x) As the appellant does not come under the HAREDA Circular dated 31.12.2025 his application fee application No. J 13-721-218 dated 30.7.2021 is deposited with respondent SDO, DHBVN, Julana as admitted Page No. (13-15). That the water level(Chowa) of the area of village Lajwana Kalan in June 2025 was 2.95 Meters and in October 2025 is only 1.80 Meters(5.94 feet) of village Lajwana Kalan(letter dated 17.4.2026 issued by Astd. Geologist Ground Water Cell, Jind is enclosed Page No.(19) and water level of field of appellant is 4 feet below surface. The water is Saline (Khara) not fit for irrigation. This water is available between 25-30 feet. The surface (Garh) is damaged after 2-3 years (Registivity Report dated 17.7.1997 Page No. (20).
- xi) The appellant got soil of his field analyzed from Land Examination Officer, O/O Deputy Director, Agriculture Department Jind and the land of the appellant is fertile Page No. 21-23).
- xii) On 23.4.2026 appellant got analyzed the water of 3 adjoining fields from Bhumi Prikshan Adhikari, Krishi and Kisan Kalyan Adhikari(page) The Water Report of Joginder (younger brother) 3330 Page (24), Harinder(younger brother) 2880 Page (25), Mohla(adjoining field owner) 3050 Page (26),. Report of water of Joginder(younger brother) from Public Health Water Testing Lab. Jind dated 24.4.2026 shows TDS 3163 against 500, Total Hardness 1656.4 against 200,Calcccccum <500 against 75,Magnisium 77.6 against 30, Cloride 811.46 against 250,Sulphate 1110 against 200,Nitrate 8.3 against 45 Page (27). It clearly shows that the water is not fit for agriculture purpose.
- xiii) That on 29.1.2026 the appellant personally approached the Engineer-in-Chief Irrigation & Water Resources Department, Haryana for conducting Resistivity Survey to identify water depth and quality of water for installation of tubewell Page (28), Unfortunately the water level of Village Shamlo Kalan 10 K.M. away was supplied Page (29-30). Even to CM and PM window but no action Page (31-34),
- xiv) Appellant has to approach Registivity Survey dated 24.4.2026 of GEO AQUA VISION, Chandigarh which has reported that the water up to 320 Meters is SALINE but between 320 Meters to 440 Meters is marginally SALINE. is water is SALINE 440 Meters to 500 Meters is poor/negligible Page No.(35-44) at Page No.(41-43).
- xv) On 30.3.2026 the appellant submitted application to CM Window and PM Window for conducting Resistivity Survey to identify water depth and quality of water for installation of tubewell Page (31-34), but all in vain no reply as department pressurized to withdraw the applications.

- xvi) On the oral advise of Engineer-in-Chief Irrigation & Water Resources Department, Haryana the appellant approached GEO AQUA VISION, Chandigarh for Registivity Survey, who surveyed on 22.4.2024 and submitted report on 24.4.2026, which reported that the water up to 320 Meters is SALINE but between 320 Meters to 440 Meters is marginally SALINE. 440 Meters to 500 Meters is poor/negligible Page No.(35-44) at Page No.(41-43).
- xvii) That the appellant has submitted the partly list of persons of having tubewell connections above 20 HP Villages Lajwana Kalan (I), Karsola (4), Budhakhera Lather (9), Brahmanwas(11) Page No. (45) to whome the appellant has personally contacted. There are dozen connections in the area and connections below 20 HP are not successful.
- xviii) That on 18.4.2026 & Reminder dated 12.6.2026 Page No. (47-48) the appellant submitted application for getting RTI Page got the information dated 18.6.2026 under RTI for the tubewell connections above 20 HP. As per report the tubewell connections as per village wise above 20 HP a) Akalgarh 2, b) Budhakhera Lather 13, c) Brahmanwas 16, d)Julana 4, e) Karsola 3, Lajwana Kalan 2, f) Shadipur 1, G)Kilazafargarh 8 Page No. (49-52).
- xix) The possibility of water is below 320 Meters the connection of 7.5 HP is not successful as such connection of 30 HP is required.
- xx) That on 21.5.2026 appellant got checked the water of tubewell of Sh. Sunul S/o Sh. Sajjan V. Karsola tehsil Julana having tubewell connection below 1400 Feet. The TDS is 720 fit for agriculture Page No. (45). It clearly shows that the water above 1400 fit is saline and not fit for agriculture purpose.
- xxi) That in view of the circumstances mentioned above the water up to level of 320 Meters is saline and not fit for agriculture purpose.
- xxii) That the Sales Circular No. D-17/2023 dated 30.5.2023 and Sales Circular No. D-19/2024 dated 17.7.2024 in which condition for Solar has been imposed retrospectively is a unseasoned order against law and is arbitrary. Honorable Supreme Court in Ajmer Vidyut Nigam Ltd V/S Hindustan Zink Ltd and another (2022INSC194) held that the order should be prospective not retrospective, Smt. Santosh Kumari V/S XEN Jind appeal No. 21 of 2025 decided on 14.8.2025 by Electricity Ombudsman, Haryana, Manish Kumar V/S XEN Mohindergarh appeal No. 25 of 2025 decided on 17.7.2025 by Electricity Ombudsman, Haryana held that the order should be prospective not retrospective. GI Hydro Private Limited V/S Haryana Electricity Regulatory Commission Appeal No. 85 of 2022 & IA No.1810 of 2024 decided on 26.5.2025 by The Appellate Tribunal For Electricity (Appellate Jurisdiction) held that tariff order dated 23.2.2022 is set aside to the extent it relied on the retrospective application of the HERC Regulations2012. M/S Orange Barcha Wind Power Pvt. Ltd V/S Madhya Pradesh Electricity Regulatory Commission Appeal No. 55 of 2021 & IA No.929 of 2021 decided on 9.7.2024 by The Appellate Tribunal For Electricity (Appellate Jurisdiction) the impugned orders 8.8.2019 and others passed by Madhya Pradesh Electricity Regulatory Commission are set aside.

- xxiii) That the condition of solar below 10 BHP can not be imposed retrospectively.
- xxiv) That not extending the load and release of tubewell connection is violation of Articles of 14 and 19 of the constitution and doctrine of legitimate.
- xxv) That the appellant is suffering loss for the last about 5 years and as such is entitled for compensation/costs of Rs. 5 Lakh as loss of crops, loss of earnings and mental harassment for want of tubewell connection.

It is there for prayed that the appeal be accepted and the respondent be directed to release the tubewell connection of appellant of application No. J13-721-218 dated 30.7.2021 or in alternate release of connection of 30 HP as the water level up to 320 Meters is Saline and the case of the appellant does not cover the conditions of solar. Any other relief for which the appellant is entitled be also granted to the appellant in the interest of justice

D. On 03.07.2026, respondent SDO has submitted reply which as under:-

In respect to appeal, as per information received from the SDO OP S/D DHBVN Julana, it is submitted that Sh. Virender Singh Lather has applied for New Tubewell Connection vide A&A No. J13-721-216 dated 30-7-2021 at Vill. Lajwana Kala having load 7.5 BHP under 'OP' S/Divn. DHBVN, Julana. Later, a Sales Circular No. D-17/2023 dated 30-05-2023 was issued, which states that connections above 10 BHP upto 35 BHP has to be released on Nigam Network and all other Tubewell connections of 10 BHP and below has to be released through HAREDA on off grid Solar Mode. Later as per Sales Circular No. D-36/2023 dated 09.11.2023, extension of new tubewell connection load before release was permitted only in Villages where ground water level is beyond 40 meter. The ground water level detail was issued by Irrigation & Water resources Department vide Notification NO. 2/5/2022-IIW dated 22-04-2022.

Also, a letter was also issued by SE/ commercial DHBVN, Hisar vide his office letter Memo No. Ch- 07/SE/C/Loose/94/2004/VolVI dated 10.10.2024 regarding ROL/EOL of AP application before release of Connection, which also clearly mentions that EOL/ROL of tubewell is allowed only for Applicant who has applied AP load above 10 BHP to 35 BHP from period 01.01.2022 to 31.12.2023.

Sh. Virender Singh Lather applied an extension of load of Tubewell Connection vide A&A No. J13- 623-15 dated 01.06.2023 7.5 BHP to 12.5 BHP on very next date on release of Sales Circular No. D-17/2023 dated 30-05-2023 before release of AP connection but the same was rejected as extension of load cannot be processed without release of connection. Later on, option was given to applicants vide Nigam's Sales Circular No. D-36/2023 dated 09.11.2023, for extension before release if the Ground water level of their Villages is beyond 40 meter.

As Ground water level of Village Lajwana Kala is 2.7 meter only, hence applicant is not eligible for extension of AP load before release of Connection. Sh. Virender Singh Lather was also updated about the process for applying for Solar application through HAREDA so that applicant can apply for Solar Connection for AP connection.

This is for your kind information and further necessary action please.

E. The matter was listed for hearing today i.e. 06.07.2026. Both the parties were present during the hearing.

1. Brief Facts of the Case

The Appellant applied for a new tubewell connection (A&A No. J13-721-216 / J13-721-218) on 30.07.2021 for a load of 7.5 BHP (5.5 kW) at Village Lajwana Kalan, Tehsil Julana, District Jind.

Subsequently, following Sales Circular No. D-17/2023 dated 30.05.2023, the Appellant applied for extension of load (EOL) vide application dated 01.06.2023 (A&A No. J13-623-15) from 7.5 BHP to 12.5 BHP.

As per DHBVN policy under D-17/2023:

- Tubewell connections up to 10 BHP are to be released by HAREDA on solar off-grid mode.
- Connections above 10 BHP up to 35 BHP are eligible for release by the Nigam on grid supply.

Sales Circular No. D-36/2023 dated 09.11.2023 provided a limited window for extension of applied load before release of connection, but only in villages where groundwater table is beyond 40 meters. The groundwater level in Village Lajwana Kalan is reported as 2.7 meters (per Irrigation & Water Resources Department notification dated 22.04.2022).

The Appellant's EOL application was rejected. Aggrieved, he approached the CGRF, which passed an order dated 29.05.2026 (Case No. DH/CGRF 5011/2026). The present appeal challenges that order.

During hearing before this office, the Appellant raised issues regarding:

- Salinity/high TDS in groundwater making the declared 2.7m level unsuitable for irrigation.
- Preference for grid supply over solar.
- Alleged improper communication of notices.
- Family income affecting HAREDA subsidy eligibility.

The Respondent (via XEN OP Division Jind letter dated 23.07.2026) maintained that the Appellant does not qualify for grid connection under the existing policy.

2. Issues for Consideration (Interim)

This office frames the following issues for interim adjudication, drawing from the queries raised by the CGRF and submissions of parties:

1. Whether the Appellant's EOL application dated 01.06.2023 is maintainable under the prevailing Sales Circulars at the relevant time?
2. Whether the groundwater level notification (2.7m) can be overridden based on the Appellant's claims of salinity/high TDS?
3. Whether the Appellant is entitled to grid connection despite applied load being ≤ 10 BHP initially?
4. What directions, if any, are required from the Commercial Wing of DHBVN for clarity on similar cases?

3. Analysis and Findings

A. Legal and Policy Framework

- The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (as amended) govern new connections, load extensions, and timelines. However, specific policy for tubewell connections in the relevant period is governed by DHBVN Sales Circulars D-17/2023 and D-36/2023, which are administrative instructions issued pursuant to government announcements.
- These circulars have a clear and unambiguous intent: prioritize solar off-grid for loads up to 10 BHP to promote renewable energy, with grid supply reserved for higher loads (above 10 BHP).
- D-36/2023 explicitly limits the option of load extension for grid eligibility to villages with groundwater deeper than 40 meters. Village Lajwana Kalan does not qualify.

B. Maintainability of EOL Application

The Appellant's original application (30.07.2021) was for 7.5 BHP (below the 10 BHP threshold). The EOL to 12.5 BHP was filed immediately after D-17/2023 but before D-36/2023 clarified the groundwater-based exception.

At the time of EOL (01.06.2023), no general policy permitted pre-release load extension for sub-10 BHP applicants to cross the threshold for grid supply. The subsequent D-36/2023 window was conditional on groundwater depth, which is not met here.

Finding: The rejection of the EOL application by the Respondent is in consonance with the policy. The Appellant cannot claim a vested right to upgrade load to bypass the solar policy. Seniority is preserved from the original application date, but eligibility is governed by load and village-specific criteria at the time of release.

C. Groundwater Level and Salinity Claims

The groundwater data is based on an official notification of the Irrigation & Water Resources Department (22.04.2022). The Appellant's personal assessment or references to nearby villages do not override official data without credible evidence (e.g., fresh site-specific hydrogeological study accepted by the competent authority).

Claims of high TDS/salinity, while understandable from a farming perspective, do not alter the applicability of the Sales Circulars, which use depth as the criterion. Motor capacity (even at 12.5 BHP) for very deep bores would require separate technical scrutiny, but that does not automatically entitle the Appellant to grid supply.

Finding: No case is made out to disregard the official groundwater notification on the basis of the material placed before this office.

D. Preference for Grid vs. Solar and Subsidy Issues

The policy under D-17/2023 is a conscious government decision to promote solar tubewells for smaller loads. Individual preferences or income-based subsidy ineligibility do not create an enforceable right to demand grid connection outside the policy framework. HAREDA processes are designed to handle such applications, and the Nigam has offered to facilitate the same.

No provision in the Supply Code or the cited circulars mandates grid supply solely on the ground that a consumer does not wish to opt for solar.

E. Procedural Aspects

The Respondent has provided evidence of communication to the Appellant regarding solar options. Any dispute regarding address or notice can be addressed at the implementation stage but does not vitiate the policy application.

4. Interim Directions

In light of the above, and to balance consumer interest with policy objectives, the following interim directions are issued:

1. **The Respondent (DHBVN)** shall treat the Appellant's original application dated **30.07.2021** as valid and maintain its seniority for release of tubewell connection as per applicable policy (presently solar off-grid through HAREDA for ≤10 BHP).
2. **Commercial Wing, DHBVN, Hisar** is directed to examine and clarify, within **30 days** of receipt of this order, the following for guidance in similar cases (copy to be supplied to this office and the Appellant):
 - Procedure and timelines for applicants who decline HAREDA solar connections.
 - Whether any relaxation/policy is under consideration for cases involving claimed poor water quality despite shallow official groundwater levels.

- Modalities for handling load extensions filed post D-17/2023 but pre-D-36/2023.
 - Status of security deposit paid by the Appellant, if any, and refund/adjustment mechanism.
3. The Appellant may, if so advised, approach HAREDA for solar connection processing or file a fresh representation before the competent authority if new facts (e.g., updated groundwater study) emerge. Any such fresh application shall be considered on merits without prejudice to the seniority of the 2021 application.
5. Liberty and Observations

This is an **interim order** pending final adjudication. No final view is expressed on the CGRF order dated 29.05.2026, which shall be considered in the final order after receipt of clarifications from the Commercial Wing.

The office notes the Appellant's long wait since 2021 and urges DHBVN/HAREDA to expedite processing in a time-bound manner in line with the Supply Code timelines (as amended).

The case is listed for further hearing on 05.08.2026.

F. On 30.07.2026, SDO respondent has submitted as under:-

In this connection, it is intimated that a hearing in the case of Sh. Virender Singh Lather was held on 06-07-2026 before the Electricity Ombudsman, Haryana, Panchkula. The Hon'ble Ombudsman has passed an order and issued interim directions to this office to examine and clarify the case. After that the appeal was forwarded to SE/Commercial DHBVN Hisar for review & providing necessary direction in the case. The SE/Commercial Hisar has update that the issue raised in the present appeal are already governed by the existing provisions contained in Sales Circular D-17/2023 dated 30-05-2023 and Sales Circular No. D-36/2023 dated 09-11-2023, which continue to prevail and do not require any further clarification. Moreover any relaxation or modification in the eligibility criteria would require a conscious policy decision by the state Government/Competent authority in view of the underlying objectives of groundwater conservation, promotion of renewable energy and reduction of agriculture subsidy burden. Accordingly the rejection of the EOL application by the field officers is in consumer with the prevailing policy frame work.

Decision

I. Preliminary

The captioned appeal was taken up for hearing on 06.07.2026 as scheduled. Both parties were duly represented and were afforded a fair and reasonable opportunity of being heard. The record submitted, including the impugned CGRF order dated 29.05.2026, the pleadings of the parties, the reply of the Respondent-XEN dated 03.07.2026, the Synopsis and Rulings tendered by the Appellant on 03.08.2026, and the applicable Sales Circulars and Government Notifications, has been perused.

II. Brief Facts

1. The Appellant applied for release of a new tubewell (Agricultural) connection vide A&A No. J13-721-216/218 dated 30.07.2021 for a sanctioned load of 7.5 BHP (5.5 kW) at Village Lajwana Kalan, Tehsil Julana, District Jind.
2. Pursuant to Sales Circular No. D-17/2023 dated 30.05.2023 issued by DHBVN, applications for Agricultural Tubewell connections with load up to 10 BHP came to be earmarked for release exclusively through solar off-grid mode under the HAREDA scheme, whereas loads between 10 BHP and 35 BHP were to be released through the conventional grid subject to further conditions.
3. On 01.06.2023, i.e., on the day immediately following freezing of the ≤ 10 BHP grid-release list, the Appellant filed an application (A&A No. J13-623-15) for Extension of Load (EOL) from 7.5 BHP to 12.5 BHP through the Common Service Centre (CHC).
4. The said EOL application was rejected by the Respondents on the ground that the parent connection had not yet been released and hence the concept of “Extension of Load” — being applicable only to *released* connections — was not attracted, apart from the fact that the request was in conflict with Sales Circular D-36/2023, which further restricts grid eligibility for load extensions to villages where the groundwater table lies deeper than 40 metres.
5. As per the official Notification of the Irrigation & Water Resources Department, Government of Haryana, dated 22.04.2022, the groundwater level in the Appellant’s village stands at 2.7 metres, thereby placing the village outside the category eligible for grid release under the deep-water-table exception.
6. Aggrieved by the rejection and by the order of the CGRF, DHBVN Gurugram dated 29.05.2026 in Case No. 5011/2025, the Appellant has preferred the present appeal.

III. Submissions of the Appellant

During the course of hearing, the Appellant, appearing in person, made the following submissions:

1. That though his EOL application was rejected, the amount deposited by him through the CHC channel has not been refunded to him.
2. That he does not wish to avail the connection through the HAREDA solar off-grid route and instead insists upon release through the conventional grid, on the ground

- that (i) he belongs to a higher-income category and does not qualify for solar subsidy, and (ii) there is, as per his information, a pendency of over 18,000 solar connection applications with HAREDA which entails an inordinate waiting period.
3. That the groundwater in his village, though officially recorded at 2.7 metres, is in fact saline up to 320 metres and moderately saline from 320 metres to 440 metres, as per an assessment obtained by him from the Water Department, thereby rendering the shallow groundwater unfit for irrigation and warranting an exception in his favour.
 4. That in the revised rejoinder, he has enhanced his prayer, seeking release of the connection at a load of 30 BHP, as against the 12.5 BHP originally applied for.
 5. That the Sales Circulars in question ought not to be applied retrospectively to his 2021 application, and in support of the said contention he has placed reliance upon three judgments cited in his Synopsis dated 03.08.2026.
 6. That the proposed Agri Discom ought to be seized of such matters and that until it is operational, the grievance be redressed in his favour.

IV. Submissions of the Respondent

The Respondent-SDO, on behalf of the Nigam, submitted as follows:

1. That the release of tubewell connections is governed strictly by the Sales Circulars in vogue, in particular D-17/2023 and D-36/2023, read with the Government of Haryana notification dated 22.04.2022 relating to the groundwater table.
2. That the Appellant's category (≤ 10 BHP) stood frozen for grid release as on the date of issuance of the Circular, and the EOL application filed the very next day was, on its own terms, misconceived, since Extension of Load presupposes the existence of a released connection — which the Appellant admittedly does not have.
3. That the refund of the rejected application amount is processed through the same channel through which the payment was originally deposited. Since the Appellant admittedly routed his payment through the CHC, the refunded amount stands available to him for collection from the concerned CHC.
4. That the Respondent has placed on record the written advice obtained from the Commercial Wing of the Nigam, duly approved by the concerned Director, confirming that the rejection is squarely in accordance with the Sales Circulars and Government policy in force.
5. That the Appellant remains at liberty to seek release under the HAREDA solar off-grid scheme in terms of the applicable policy, in which the seniority of his 2021 application shall be duly preserved.

V. Issues Framed

Having considered the pleadings and the submissions, the following issues arise for consideration:

1. Whether the Appellant's application dated 01.06.2023 for Extension of Load (EOL) is maintainable in law, when the parent connection has not been released?

2. Whether the official groundwater-level notification (2.7 metres) can be overridden merely on the basis of the Appellant's own assessment of water salinity?
3. Whether the Appellant, being a **prospective consumer** and not a "consumer" within the meaning of the Electricity Act, 2003 and the Haryana Electricity Supply Code, is entitled to invoke the reliefs claimed?
4. Whether the plea of retrospective application of Sales Circulars is available to the Appellant?
5. What consequential directions are called for?

VI. Findings and Observations

On Issue No. 1 – Maintainability of the EOL application:

It is a settled position under the Haryana Electricity Supply Code that "Extension of Load" is a facility available to an *existing, released and energised* connection. The Appellant, admittedly, does not have a released connection as on date. During the hearing, the Appellant himself candidly conceded that EOL applies only to a released connection. The very foundation on which the appeal is built therefore stands vitiated. The rejection of the EOL application by the Respondent is accordingly held to be in consonance with the Circulars and Code in vogue and warrants no interference.

On Issue No. 2 – Overriding of the Groundwater Notification:

The groundwater level for the Appellant's village stands officially notified at 2.7 metres vide notification of the Irrigation & Water Resources Department dated 22.04.2022. Such an official notification, issued by the competent authority of the State Government, cannot be displaced or diluted on the strength of the Appellant's personal enquiries or informal assessments of water salinity. Any modification of the notified figure lies within the exclusive domain of the issuing authority, upon a fresh scientific study, and is not amenable to adjudication in these proceedings. This issue is answered accordingly.

On Issue No. 3 – Locus of the Appellant:

On a plain reading of the definition of "consumer" as contained in Section 2(15) of the Electricity Act, 2003 and the corresponding provisions of the Haryana Electricity Supply Code, a person becomes a consumer only upon energisation/release of supply. The Appellant, whose connection is yet to be released, falls in the category of a prospective consumer. While the fora do entertain grievances of prospective consumers to a limited extent (in matters relating to release of connection), the substantive reliefs sought — namely, EOL, grid release in derogation of the solar policy, and enhancement to 30 BHP — are not available to a person who has not yet crossed the threshold of becoming a consumer under the applicable regulatory framework.

On Issue No. 4 – Retrospective application of the Circulars:

The Appellant's plea, supported by the three judgments cited in his Synopsis dated 03.08.2026, is that the Circulars of 2023 cannot govern his 2021 application. The plea, though attractively worded, does not sustain closer scrutiny. It is well settled that release of connections is undertaken by the Distribution Licensee in a phased manner, based upon the policies and circulars *prevailing at the time of release*, and after periodic review of pendency. What is protected is the seniority of the application, not a vested right to be released under a regime that stood superseded prior to the date of release. The judgments cited by the Appellant do not lay down anything to the contrary in the context of a policy shift from grid to solar off-grid release for a specified load band. This issue is decided accordingly.

On Issue No. 5 – Consequential Directions:

Certain incidental matters arising during the hearing require directions, as recorded in the operative portion below.

Directions

In light of the aforesaid findings, the following directions are issued:

1. On refund: The Respondent-SDO shall, within fifteen (15) days from the receipt of this order, communicate in writing to the Appellant the exact CHC through which the payment was originally routed, along with the transaction reference. The Appellant shall thereupon collect the refund of the rejected EOL application from the said CHC. In the event of any impediment, the Respondent shall render active assistance to ensure that the refund is actually received by the Appellant.
2. On release under the applicable policy: The Appellant is at liberty to pursue release of his connection through the HAREDA solar off-grid scheme in accordance with Sales Circular D-17/2023 and connected instructions. The Respondents shall ensure that the seniority of the Appellant's original application dated 30.07.2021 is duly preserved and reflected in the queue.
3. On future load enhancement: It is clarified, without prejudice, that once the connection is released and energised, the Appellant shall be free to apply for Extension of Load in accordance with the Circulars then in force, subject to eligibility criteria including groundwater-level norms.
4. On the plea of water quality: Should the Appellant wish to press his claim that the groundwater in his village is saline and unfit for irrigation, he is at liberty to make an appropriate representation before the Irrigation & Water Resources Department, Government of Haryana, seeking a fresh scientific assessment and consequent modification of the notification dated 22.04.2022. Any such determination by the competent authority shall be given due effect by the Respondents as per policy.
5. On the Respondent's compliance: The Respondents shall place the necessary compliance report on record within thirty (30) days of this order.

Conclusion

For the reasons recorded above, the substantive prayers of the Appellant — namely, (i) grant of EOL from 7.5 BHP to 12.5 BHP/30 BHP prior to release of the parent connection, and (ii) release of the connection through the conventional grid in derogation of the solar off-grid policy applicable to the ≤ 10 BHP category — are found to be not maintainable in the ambit of the Sales Circulars in vogue, the Government of Haryana notifications and the Instructions of the Nigam. The order of the CGRF, DHBVN Gurugram dated 29.05.2026 in Case No. 5011/2025 accordingly stands upheld, save to the limited extent of the directions issued hereinabove regarding refund and preservation of seniority.

The appeal is disposed of in the above terms.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 06.08.2026.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:

CC:

Memo No.1862-1869/HERC/Appeal No. 21/2026 Dated: 10.08.2026

To

1. Shri Virender Singh Lathar, House No. 1170, Urban Estate, District, Jind, Haryana (Email virenderslather@yahoo.com)
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3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector 6, Panchkula, Haryana – 134109 (Email lr@hvpn.org.in).
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