

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****234****RSA-2557-2022 (O&M)****Date of decision: 23.04.2026****Savdesh Kumar****...Appellant(s)****Vs.****Dakshin Haryana Bijli Vitran Nigam Limited and others ...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vikas Gupta, Advocate, for the appellant.

Mr. B.R.Mahajan, Senior Advocate with
Mr. Anil Chawla, Advocate for respondents No.1 and 2.

NIDHI GUPTA, J.

Plaintiff is in Second Appeal against the concurrent judgments and decrees of the Id. District Courts, whereby suit filed by the appellant for declaration that the Notice bearing Memo No.5678 dated 13.01.2020 issued by the defendants to the plaintiff, in respect of electricity connection of the plaintiff, is illegal and against the law; **and** for permanent injunction, has been dismissed by both the District Courts.

2. It was the pleaded case of the appellant that he was using a Tube Well electricity connection bearing account No. FA51-0817-F, which is borne in the name of the appellant and for which he is making regular bill payments. However, impugned notice was sent to the appellant in respect of the said connection, which is illegal, wrong and arbitrary. It was stated that the plaintiff had applied for a tube well electricity connection in defendant-Department. Upon completion of entire documentary



process and payment of entire fee by the plaintiff and verification of file and documents submitted by the plaintiff, defendants had issued above said tubewell electricity connection in the name of the plaintiff. Thus, the allegation of the defendants that the plaintiff was using the electricity through direct supply was wrong and incorrect. The said allegations have been levelled just to harass and humiliate the plaintiff. It was alleged that plaintiff had come to know about the impugned Notice only 7 days ago when he had consulted with the official of defendant No.2; and requested them to treat the same as null and void. Plaintiff has also given application to Senior Officer of defendant No.2 but to no avail. Consequentially, present suit was filed on 27.01.2020.

3. Upon appraisal of the pleadings and the evidence led by the parties, the Id. Civil Judge (Junior Division), Tohana, District Fatehabad had dismissed the suit of the plaintiff with costs vide judgment and decree dated 05.04.2022. The Civil Appeal filed by the plaintiff was dismissed by the learned Additional District and Sessions Judge, at Fatehabad vide judgment and decree dated 05.08.2022. Hence, the present second appeal by the plaintiff.

4. It is *inter alia* submitted by learned counsel for the appellant that learned District Courts while passing the impugned judgement and decree have not considered the fact that Ved Parkash, S.D.O, when appeared as DW1, during his cross examination, has categorically stated that when any area comes under 'Dark Zone', in that case verification of the No Objection Certificate (NOC) is very much required prior to the



issuance of the connection. The said witness also categorically admitted that it is right that before issuance of the connection, verification of the documents was properly made. Therefore, the respondent no.1 &2 department could not issue a notice almost about 4 years after releasing the connection to the plaintiff, for which the plaintiff had spent huge amount of money. However, the same was not appreciated by the courts below while passing the impugned judgements and decrees.

5. It is further submitted by learned counsel for the appellant that both the District Courts, while passing the impugned judgement and decree have not considered the fact that neither during departmental enquiry nor in the present suit, it has not come on the record or proved that the document in dispute i.e. 'NOC' was forged by the appellant or that appellant had deposited the said document with the electricity department while applying for the new connection. The fact regarding the forgery of NOC had been presumed by the respondent department as well as by both the courts below only on the basis of list (Ex.DW1/E) issued by the Ground Water Cell, Hisar with regard to issuance of NOC to number of persons; and since the name of the present appellant was not there in the above said list, therefore a presumption was drawn against the present appellant that he had taken the above said tubewell connection on the basis of forged NOC. Ld. Counsel contends that in the absence of any direct evidence and moreover only on the basis of presumption, holding a person liable is against the settled principle of law.



6. It is further submitted that both the courts below have not considered the fact that it's a clear cut case of dereliction of duty on the part of respondent no.1 & 2 department, since it was mandatory requirement for them to get verification of each and every document including NOC issued from the office of Ground Water Cell department. However, in the present case, respondent no.1 & 2 had issued new tubewell bore connection in the year 2016 in favour of plaintiff. Whereas, respondent no.1 & 2 wrote a letter to the Hydrologist-Cum-Nodal Officer, Ground Water Cell Hisar regarding the verification of the No Objection Certificate (NOC), after a huge delay of 4 years, even after issuance of tubewell connection in favour of plaintiff.

7. It is accordingly prayed that the present Appeal be allowed; and the impugned judgments and decrees of the Id. District Courts be set aside.

8. *Per contra*, learned Senior Counsel for respondents No. 1 and 2 vehemently opposes submissions advanced on behalf of the appellant and submits that categorical and clear findings of fact have been given by both the District Courts that appellant has forged and fabricated the No Objection Certificate. It is submitted that findings of fact cannot be interfered by this Court in Second Appeal. He accordingly prays for dismissal of present Appeal.

9. No argument is made on behalf of the parties. I have heard learned counsel and perused the case file in a great detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellant.



10. Plaintiff had applied for tubewell electricity connection. The application of the plaintiff was accepted and tube well electricity connection bearing account No. FA51-0817-F was installed. Along with his application, plaintiff was mandatorily required to submit an NOC from the Ground Water Cell, Hisar. As discrepancies were found in the NOC submitted by the plaintiff, the defendant had served impugned Notice bearing Memo No.5678 dated 13.01.2020, upon the appellant. By way of the present suit, plaintiff has laid challenge to the said Notice bearing Memo No.5678 dated 13.01.2020 issued by the defendants to the plaintiff. However, instead of issuing clarification to the respondents, plaintiff filed the instant suit on 27.01.2020.

11. It is undisputed fact on record that NOC is mandatory to be issued by the concerned Department to install new Tube Well Bore. A new electricity connection could not have been released in favour of the plaintiff without issuance of NOC from the Office of Hydrologist, Hisar. Thus, Plaintiff had to prove that the impugned Notice was wrong as a genuine NOC had been issued to the plaintiff by the concerned Department before issuance of tubewell electricity connection in his name. However, except for the self-serving statement made by the PW1, no documentary evidence was led by the plaintiff to prove that he had a valid NOC in his favour. It is not disputed that concurrent findings of fact are on record to the effect that the plaintiff had taken the above said electricity connection by submitting false and forged No Objection Certificate; whereas the Hydrologist-cum-Nodal Officer, Ground Water Cell, Hisar had in actual fact, not issued any NOC to the



plaintiff for installation of new Tube Well Bore. As such, plaintiff had no right to use the said electricity connection.

12. The record irrevocably establishes that Defendants had written to the Hydrologist Department, Hisar to verify the NOC submitted by the appellant; in response to which Hydrologist Department had intimated that their office had not issued the NOC submitted by the plaintiff to the defendant department along with his application for electricity connection. Hydrologist Department had submitted the document Ex.DW1/E which is the list of persons to whom NOC was issued by the Ground Water Cell, Hisar; and in the said list, name of the plaintiff does not find mention. Consequentially, impugned Notice came to be issued to the appellant.

13. It has also come on record that plaintiff had been asked by the defendants to submit his reply with respect to forged NOC within a period of one week. However, no reply thereto was filed by the plaintiff. Plaintiff has not even examined any witness from the Ground Water Cell, Hisar to prove that NOC submitted by him or even by his Mamu, is genuine. Moreover, DW1 Ved Prakash SDO had testified through his Affidavit Ex.DW1/A that as per the latest notification, Tohana Block is in green zone. However, at the time of issuance of electricity connection to the plaintiff, Tohana block was declared as Dark Zone by State of Haryana and NOC was mandatory in this regard. Nothing to the contrary was shown by plaintiff.

14. PW1 has also deposed that after receiving impugned Notice, no appeal was filed before the concerned Department. It is not even clear as to why the plaintiff had filed the instant suit instead of approaching the



concerned Department. Learned Trial Court has accordingly observed that

“From the meticulous perusal of the case file, it is apparently clear that the plaintiff has challenged notice bearing memo no. 5678 in which the defendant department had sought explanation from him as the NOC which was submitted by him in his application for getting the tubewell connection was found to be false as per Ground Water Cell, Hisar. Instead of approaching the defendant department to give his explanation regarding the NOC in question, the plaintiff has approached this court. The substantial burden/onus was upon the plaintiff to prove that the NOC which he had appended along with his application is genuine/credible and despite his representation before the defendant department wherein he produced all the required documents and evidence which could show that his NOC is genuine and authentic, the defendant department has issued the notice in question and has threatened to disconnect his tubewell connection. Therefore, in the considered opinion of this court, the suit of the plaintiff is pre mature. As per notice Ex. P1, the defendant department had given a week's time to the plaintiff to explain his stand regarding the NOC. Instead of giving his explanation, the plaintiff filed the present suit which apparently seems to have been filed as an escape route from the criminal proceeding, which the defendant department was about to initiate against him, when he failed to explain himself.”

15. Thus, plaintiff abjectly failed to prove that NOC submitted by him to the defendant-Department at the time of issuance of above said tubewell electricity connection bearing No. FA51-0817-F was genuine and



had been issued by the Ground Water Cell Department, Hisar. Plaintiff is also unable to controvert the document Ex.DW1/E which is list of names submitted by Hydrologist Department, Hisar mentioning the names of the persons to whom NOC had been issued. Except his son, plaintiff has examined no other witness. Consequentially plaintiff was unable to prove that the impugned memo was wrongly issued to the plaintiff. Plaintiff was also unable to prove that valid NOC has been issued to him; and, therefore, Tubewell Electricity Connection had been rightly installed. Accordingly, suit of the plaintiff came to be concurrently dismissed.

16. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings.

17. In view of the discussion above, no ground is made out to interfere in the impugned judgments and decrees of the learned District Courts. The present regular Second Appeal is hereby **dismissed**.

18. Pending applications, if any, stand disposed of.

23.04.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No