

Memo No.Ch-/05 /SE/Admn./Gen-8 A/ Vol-III

Dated: 05.11.2018

To

1. All Chief Engineers in DHBVN.
2. Chief Financial Officer, DHBVN, Hisar.
3. Chief Technology Officer, DHBVN, Hisar.
4. All SEs 'OP' Circle in DHBVN.
5. SE/HR, DHBVN, Hisar.
6. Controller of Store, DHBVN, Hisar.
7. SE/Const. Circle/ M&P Circle in DHBVN.
8. CAO/Chief Auditor/FA (HQ)/FA&CAO (MM)/FA&CAO (PD), DHBVN, Hisar.
9. Chairman/CGRF, DHBVN, Hisar.
10. Company Secretary, DHBVN, Hisar.
11. Chief Communication Officer, DHBVN, Hisar.
12. All XENs in DHBVN.
13. All Under Secretaries in DHBVN.
14. All Sectional Head in Vidyut Sadan, DHBVN, Hisar.

E-mail

**Subject: - CWP No. 12268 of 2016 titled as DHBVN & Ors. V/S PLA & another.**

Please refer to the Memo No. 59/LB-2 (378) NNL dated 03.10.2018 issued from the office of Legal Remembrancer, HPU, Panchkula regarding judgment dated 30.07.2018 passed in above cited case. A copy of the said judgment is enclosed for reference.

In the above said reference of L.R. HPU, attention has been drawn to the judgment dated 30.07.2018 passed by the Hon'ble High Court wherein it has been held that chambers of advocate District Courts are to be treated in the category of commercial and non domestic as work of a lawyer/advocate does not fall in the domestic category.

The relevant extract of the judgment/order dated 30.07.2018 is reproduced here under:-

***"After issuing notice of motion, respondent No.2 was served way back in the year 2016, but has not chosen to appear till date. A perusal of the***

*impugned order shows that in the present case, respondent No.2 was not running an office in his house. In fact, the electricity connection has been granted in his chamber in the District Courts. Hence, applying the ratio of the judgment passed by the Hon'ble Supreme Court in Shiv Narayan's case (supra), the connection in dispute has to be treated as 'commercial and non domestic' and charges are to be treated accordingly.*

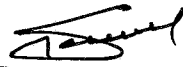
*Resultantly, the present petition is allowed and impugned award dated 19.08.2015 is set aside. "*

In reference to above judgment, it has been advised by L.R./HPUs, Panchkula that it is an important judgment on the issue of connections given to chamber of Advocate and that these chambers are to be treated as commercial and non-domestic and charges are to be levied accordingly. In this connection, it has been advised that the above judgment can be cited on similar situations for praying dismissal in similar cases by placing reliance on the judgment dated 30.07.2018 as referred above.

In this context, it is requested to go through the above said judgment as well as connected references and comply with the advice of L.R./HPUs, Panchkula, regarding reliance on the judgment dated 30.07.2018.

This issue with the approval of CE/HR&Admn., DHBVN, Hisar.

**DA: As Above.**

  
S.E./Administration  
DHBVN, Hisar

**Copy to:**

1. The Chief Engineer/HR & Admn., DHBVN, Hisar.
2. L.R., HPUs, Panchkula.
3. SE/IT, DHBVN, Hisar. He is requested to upload the judgment dated 30.07.2018 on Nigam's website.

From

Legal Remembrancer,  
HPU, Panchkula

To

The CE/Admn.,  
UHBVN, Panchkula.

✓ The CGM/Admn.,  
DHBVN, Hisar.

15/10

CE/HR & Admn.	
CE/Admn.	
SP/HR	
SA	
Asst. Secy.	

Memo No. 59/UB-2(378) NNL  
Dated: 03/10/18

**Subject: CWP No. 12268 of 2016 titled as DHBVN & Ors. V/s PLA & another.**

Attention is drawn to the judgement dated 30.07.2018 passed by Hon'ble High Court where it has been held that chambers of advocate District Courts are to be treated in the category of commercial and non domestic as work of a lawyer/advocate does not fall in the domestic category.

The relevant extract of the judgement/order dated 30.07.2018 is reproduced here under:-

*"After issuing notice of motion, respondent No.2 was served way back in the year 2016, but has not chosen to appear till date. A perusal of the impugned order shows that in the present case, respondent No.2 was not running an office in his house. In fact, the electricity connection has been granted in his chamber in the District Courts. Hence, applying the ratio of the judgment passed by Hon'ble the Supreme Court in Shiv Narayan's case (supra), the connection in dispute has to be treated as 'commercial and nondomestic' and charges are to be treated accordingly.*

*Resultantly, the present petition is allowed and the impugned award dated 19.08.2015 is set aside."*

It is an important judgment on the issue the connections given to chamber of advocate and that these chambers had to be treated as commercial and non-domestic and charges are to be levied accordingly. The above judgement be circulated to offices under your control for praying dismissal in similar case by placing reliance on the judgment

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NO. PA/COM/HR/AA  
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4316  
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U.S./HR-I  
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dated 30.07.2018 passed by Hon'ble High Court it is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 30.07.2018 on the website of concerned Power Utility. A complete copy of judgment dated 30.07.2018 are enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As above

*Legal Officer*  
8/9/18  
Legal Officer,  
HPU, Panchkula.

CC:-

1. The Deputy Secretary/Technical, UHBVN, Panchkula for hosting on website.
2. The Deputy Secretary/Technical, DHBVN, Hisar for hosting on website.
3. The CE OP Circle, UHBVN, Panchkula & Rohtak.
4. The CE OP Circle, DHBVN, Hisar.
5. The DA, HPGCL, Panchkula.
6. The Legal Nodal Officer, UHBVN, HPGCL, DHBVN & HVPNL Panchkula.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.12268 of 2016 (O&M)  
Date of decision: 30.07.2018

Dakshin Haryana Bijli Vitran Nigam Ltd. and another  
.....Petitioners

Versus

Permanent Lok Adalat (Public Utility Services), Narnaul and another  
.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Prateek Mahajan, Advocate,  
for the petitioners.

None for respondent No.2.

Ritu Bahri, J.

The petitioner is seeking a writ of certiorari for quashing the award dated 19.08.2015 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services), Narnaul, whereby the electricity connection of Chamber of respondent No.3 was directed to be treated as 'domestic' supply.

Reference can be made to a judgment passed by Hon'ble the Supreme Court in Chairman, M.P. Electricity Board and others vs. Shiv Narayan and another, Civil Appeal No.1065 of 2000 (decided on 27.10.2005). It was a where a Lawyer was running his office in a portion of his house. The electricity board levied charges on commercial basis. Feeling aggrieved, the Advocate filed a writ petition, which was allowed by the Madhya Pradesh High Court. Before the Hon'ble Supreme Court, matter was referred to a Larger Bench, which has examined the issue and found the tariff entry into two categories i.e. (i) domestic purposes and (ii) commercial

and non-domestic purposes. It was held that office of an Advocate would fall in the category of 'commercial and non-domestic' supply. Even if, the work of Advocate is not to be taken as commercial activity, it will fall in the category of 'commercial and non-domestic', as work of a Lawyer/Advocate does not fall in the 'domestic' category. Ultimately, the judgment passed by the Madhya Pradesh High Court was set aside.

In the present case, challenge is to the order dated 19.08.2015 (Annexure P-3), whereby the Permanent Lok Adalat has allowed an application made by respondent No.2-Anup Singh, Advocate by treating supply of electricity to his office as 'domestic supply' and the petitioners have been directed to issue bills regarding the meter installed in his chamber by treating the supply as 'domestic supply'.

After issuing notice of motion, respondent No.2 was served way back in the year 2016, but has not chosen to appear till date. A perusal of the impugned order shows that in the present case, respondent No.2 was not running an office in his house. In fact, the electricity connection has been granted in his chamber in the District Courts. Hence, applying the ratio of the judgment passed by Hon'ble the Supreme Court in Shiv Narayan's case (supra), the connection in dispute has to be treated as 'commercial and non-domestic' and charges are to be treated accordingly.

Resultantly, the present petition is allowed and the impugned award dated 19.08.2015 (Annexure P-3) is set aside.

31.07.2018

ap

(RITU BAHRI)  
JUDGE

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

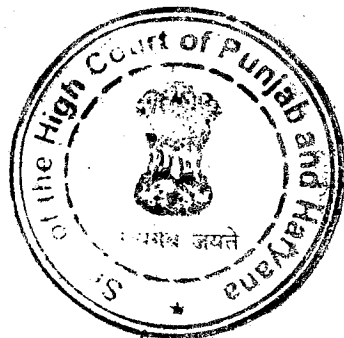
Express/Ordinary Petition No. 1048367  
Date of presentation of Application 02/08/18  
No. of Pages of Documents 04  
Total No. of copies issued against Petition 04

Per cent of fees :  
(1) Special Fee: Rs. 100/- upto 10 pages  
and Rs. 25/- for every 10 pages  
(2) Special Fee: Rs. 100/- upto 20 pages  
and Rs. 25/- for every 10 pages  
(3) Ordinary Fee: Rs. 100/- upto 10 pages  
and Rs. 25/- for every 10 pages

Title of Case 50  
Amount Deposited 50  
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Date of notification of the defects  
Date of rectification of defects  
Date of preparation of Copy 06/08/18  
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