AMEETA MEHRA Vs HARYANA STATE BOARD ELECTRICITY

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: Jan. 19, 1996

Citation: 1996 1 CPJ 351

Hon'ble Judges: M.R.Agnihotri , S.Kulwant Singh J.

Final Decision: Appeal dismissed

Judgement

1. COMPLAINANT-Miss Ameeta Mehra has come up in appeal to challenge the order dated 21st of April, 1994 passed by the learned District

Forum, Gurgaon, whereby her complaint against the Haryana State Electricity Board challenging the levy of Industrial tariff on the consumption of

energy for growing fodder for the studs has been dismissed by treating it for an industrial purpose. According to the complainant, she owns 125

kanals4marlas of agricultural land in Village Chhawan, Distt. Gurgaon, wherein ahe has obtained five electric connections for irrigation purpose.

Instead of growing any conventional agricultural crop the complainant has been growing fodder for her stud farm situated in nearby Village

Carterpuri. On that basis she claimed demand of the tariff according to the rate fixed for agricultural purpose whereas the H.S.E.B. was demanding

it at the rate for industrial purpose. Aggrieved by the rejection of her request, the complainant approached the District Forum, Gurgaon for the

redressal of her grievance. But after going into the matter in detail, learned District Forum dismissed the complaint.

2. IN the appeal before us, it has been contended by the learned Counsel for the appellant, that after all growing of fodder is a crop which should

be treated as covered by agricultural purpose and on that basis tariff should be according to the rates fixed for agricultural purpose. On the other

hand, learned Counsel for the H.S.E.B. pleaded that fodder was being used for the stud farm of the appellant, which was for an industrial purpose

according to the policy decision of the H.S.E.B. circulated on 15th of May, 1992. After hearing the learned Counsel for the parties, we do not find

any merit : in the appeal, and therefore, there is no legal infirmity in the well-reasoned and detailed order passed by the learned District Forum. It

has been found as a fact that the complainant is maintaining the farm for industrial purpose contrary to its being agricultural one. INasmuch as no

agricultural crop is being sown except the fodder, which is grown for the studs. Obviously the appellant is running an industry and has to pay the

tariff according to industrial rate. IN the policy circular regarding charging of tariff issued by the Superintending Engineer (Operation) Circle,

H.S.E.B., Gurgaon to all the Executive Engineers vide Memo No. 5745/48/CA dated 15th of May, 1992 it was clearly provided regarding the

tubewell connection being used for growing fodder for rearing stud farms, that as horse breeding is recognised as industry, the tubewell

connections for growing fodder for the said purpose is to be billed as per industrial tariff and not for agricultural purpose tariff. IN view of the

aforesaid decision, the appeal is wholly devoid of force and the same is dismissed with no order as to costs. Appeal dismissed.