Court No. - 6

Case :- WRIT - C No. - 32441 of 2023

Petitioner :- Executive Engineer, Electricity Distribution Division Rural
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Alok Mishra
Counsel for Respondent :- CSC

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Alok Mishra, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner challenging the ex-parte order/award dated 13.04.2023 passed by the Permanent Lok Adalat, Kasganj in PLA Case No.159 of 2022 (Pankaj Kumar vs. A.K. Savita, Executive Engineer, Electricity Distribution Division/Daksinanchal Electricity Distribution Corporation Ltd., Kasganj) and a further prayer to quash the impugned order dated 01.06.2023 passed by the Permanent Lok Adalat Kasganj in Recall Application No.26 of 2023 in PLA Case No.159 of 2022.

Brief facts of the case are that the respondent no.3 had applied for electricity connection from the Electricity Department for establishing a private tube-well for which he had paid Rs.1,26,474/- to the Electricity Department. Having received an improper bill, respondent no.3 filed a complaint before Permanent Lok Adalat, Kasganj seeking a relief to adjust the excess amount in the electricity bill. The Permanent Lok Adalat has passed ex-parte award on 13.04.2023. A recall application was filed by the petitioner which has been rejected hence the present petition.

Learned counsel for the petitioner submits that the impugned order/award has been passed without following the prescribed procedure as specially provided under Section 22(C)(7) of Legal Services Authorities (Amendment) Act, 2002, hence, the impugned order/award is vitiated. He has relied upon the judgment of Apex Court passed in the case of **Canara Bank Vs. G.S. Jayarama, (2022) 7 Supreme Court Cases 776** and another judgment of this Court passed in **HDFC Standard Life Insurance Company Ltd. Vs. Permanent Lok Adalat Moradabad And Another, 2023(3) ADJ 258**. He further submits that the provisions of Legal Services Authorities Act,

1977 requires that a compromise or settlement has to be arrived at between the parties, in absence of which the matter has to be relegated to a proper forum having jurisdiction to hear the matter.

Learned counsel for the petitioner in support of his submission has also placed reliance upon judgment of Apex Court in the case of **Estate Officer vs. Colonel H.V. Mankotia (Retired)** reported in **(2022) 12 SCC 609**. Recall application filed by the petitioner has been rejected without realizing the fact that no proper notice was given to the petitioner and hence, he could not file his objection.

Learned Standing Counsel for the State-respondent could not dispute the submission made by the counsel for the petitioner.

In view of above, as the permanent Lok Adalat has not followed the proper procedure as prescribed under the relevant Act, therefore, the impugned orders/award dated 13.04.2023 and 01.06.2023 are vitiated and are illegal in the eyes of law, the same are liable to be set aside and are hereby **set aside**.

The petitioner is directed to file an objection before Permanent Lok Adalat alongwith certified copy of this order within a period of two weeks from today.

The matter is remitted back to the Permanent Lok Adalat, Kasganj with a direction to pass fresh orders, after following complete procedure as prescribed under law as well as the law laid down by Apex Court in the case of **Canara Bank (supra)**, after hearing all the parties concerned, by means of a reasoned and speaking order, as expeditiously as possible, preferably within a period of **four months** from today.

With the aforesaid observation/directions, the writ petition stands **allowed**.

Order Date :- 30.10.2023
Kalp Nath Singh

Digitally signed by :-
KALP NATH SINGH
High Court of Judicature at Allahabad