

Court No. - 17

Case :- WRIT - C No. - 7626 of 2023

Petitioner :- Madhyanchal Vidut Vitran Nigam Ltd. Thru. Its Managing Director And Another

Respondent :- District Legal Service Authority, Distt. Barabanki And 2 Others

Counsel for Petitioner :- Shagun Srivastava, Manish Jauhari

Counsel for Respondent :- Rajan Mishra, Pratyush Rawat, Soumya Dixit

Hon'ble Alok Mathur, J.

1. Heard Ms. Shagun Srivastava, learned counsel for the petitioners as well as Sri Rajan Mishra, learned counsel for respondent no. 3.

2. By means of present writ petition the petitioner has challenged the order dated 12.03.2020, passed by the Permanent Lok Adalat, Barabanki, U.P., thereby deciding the claim preferred by respondent no. 3 and awarding an amount of Rs.40,300/- in his favour.

3. The dispute in the present case relates to issuance of electricity bill to respondent no. 3. It was stated that it is the case of the petitioner that under the Rajiv Gandhi Gramin Vidyut Yojana, 2015-16, electricity connection was issued in favour of respondent no. 3 and for the electricity consumed by respondent no. 3 bill of Rs.30,000/- was issued in January, 2017.

4. It is submitted by learned counsel for the petitioners that an application was filed before the Permanent Lok Adalat, stating that applicant had never applied for electricity connection and there is no electricity connection at the premise of respondent no. 3 and has never been consumer of electricity department, but despite aforesaid he has wrongly been issued electricity bill of Rs.30,000/-. On the application of respondent no. 3, Permanent Lok Adalat had issued notice to the petitioners. The petitioners had put in appearance and filed written statement. The Permanent Lok Adalat made efforts for arriving at settlement between the parties but it seems that petitioners were not ready for settlement and wanted to contest the said case.

5. The Permanent Lok Adalat has recorded that when settlement was not arrived at, it proceeded to decide the case on merits. It

framed two questions for determination. The first question being as to whether applicant was ever a consumer of the petitioners or that he applied for electricity connection and the second question was as to whether the electricity bill sent by the petitioners to respondent no. 3 was valid and whether he had paid any money under the said bill.

6. From the perusal of impugned judgment it transpires that it was vehemently submitted by respondent no. 3 that he never ever applied for electricity connection. No document was ever submitted by him and infact he never was a consumer of the petitioners and despite the same the respondent no. 3 has been wrongfully served with the bill by the petitioners.

7. The petitioners opposed the claim of respondent no. 3 by submitting that he was consumer of electricity department and the bill has rightly been issued for the electricity consumed by him. While deciding the aforesaid case, time was granted to the petitioners to submit relevant documents which could indicate that any electricity connection was applied for by the respondent no. 3 or not. Despite repeated time being granted no document was filed. Subsequently, the petitioners themselves submitted before the Permanent Lok Adalat that they do not have any record pertaining to grant of electricity connection to respondent no. 3.

8. It is in the aforesaid circumstances, that the Permanent Lok Adalat came to the conclusion that respondent no. 3 had never submitted any application seeking electricity connection. He did not submit any document including his identity card, bank details, house number or municipal records etc. which are relevant documents for obtaining an electricity connection at a particular point. In absence of such documents the Permanent Lok Adalat concluded that no electricity connection was ever granted to respondent no. 3.

9. It is further noticed that petitioners did not cooperate in the proceedings before the Permanent Lok Adalat and remained absent for days altogether without any application for adjournment. It is further recorded that the respondent no. 3 was present on each date of hearing. Due to non cooperation of the petitioners, the matter remained pending since 2017 till it was decided in 2020. It is on this account that while allowing the claim of respondent no. 3 the Permanent Lok Adalat had imposed cost of Rs.10,000/- and Rs.30,000/- towards mental harassment and Rs.3000/- cost imposed upon the petitioners for not filing written statement in time.

10. Learned counsel for the petitioners while assailing the

impugned order does not dispute the facts which have been recorded by the Permanent Lok Adalat. He has fairly conceded that they do not have any records pertaining to grant of electricity connection in favour of respondent no. 3 nor they have any application given by respondent no. 3 seeking electricity connection. The only submission made by counsel for the petitioners is that the amount awarded towards cost and mental harassment by the Permanent Lok Adalat is excessive.

11. It has further been stated that execution proceedings have commenced and coercive measures have been taken against the officials of the petitioners.

12. Learned counsel appearing for respondent no. 3 has supported the impugned order and has submitted that looking into the facts and circumstances of the case, where the petitioners have acted in a very high handed manner and have raised electricity bill in a situation when no electricity connection was existing. He has further submitted that the amount granted by the Permanent Lok Adalat is not excessive as considering the misconduct of the petitioners same is meagre.

13. Heard learned counsel for the parties and perused the record.

14. It is noticed that facts in question are undisputed. The petitioners have raised an electricity bill for consumption of electricity by respondent no. 3, without there being any electricity connection provided to him by the petitioners. Apart from the illegality and arbitrariness, the conduct of petitioners amounts to misconduct of the officials of the department involved in the act, who have raised such a bill against respondent no. 3 without there being any electricity connection.

15. It is further noticed that despite the matter being contested and the petitioner having filed the claim before the Permanent Lok Adalat, they did not withdraw the bill and it still remains outstanding against the respondent, till passing of the order by the Lok Adalat, this shown the manner in which the petitioners have acted in a high handed manner.

16. Considering the fact that respondent had contested the matter for more than three years and had appeared before the Permanent Lok Adalat regularly, cost of Rs.10,000/- is certainly not excessive on any count and even the amount of Rs.30,000/- awarded for mental harassment is also not excessive.

17. Before parting with the present case, this Court takes note

of the manner in which the petitioners dealt with a person who is not even a consumer, speaks about the high handed manner in which the petitioners are working.

18. This Court further directs the Managing Director of the petitioner-department to institute disciplinary proceedings and take action against the higher official(s) who is responsible for issuing such an electricity bill, in accordance with law. In case, the impugned order of Permanent Lok Adalat is not complied with, same shall be complied with expeditiously, say within a period of four weeks from today. The Managing Director of petitioner-department is further directed to forward a copy of the inquiry report to the Senior Registrar of this Court within next four months for being kept on record of this case.

19. Subject to aforesaid directions, the present writ petition being devoid of merits is **dismissed**.

Order Date :- 11.10.2023

A. Verma

(Alok Mathur, J.)