

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R.No.2657 of 2014 (O&M)

Date of Decision: December 11, 2015

Rajinder Singh

...Petitioner

Versus

Punjab State Electricity Board, The Mall Patiala & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.M.S.Sachdev, Advocate,
for the petitioner.

Mrs.Geeta Sharma, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned order dated 22.2.2014 (Annexure P-1), whereby the application filed under Section 20 of the Indian Arbitration Act, 1940, has been dismissed.

Mr.M.S.Sachdev, learned counsel appearing on behalf of the petitioner submits that the petitioner had obtained a power connection No.MS-204 for running his factory. Since the meter was not properly running, the matter was reported to the Punjab State Electricity Board and the meter was replaced and the bills issued thereafter had been regularly paid. On 15.4.1993, the meter was checked by the S.D.O. and it was found that the same was in order, much less the seals were intact, but, however, on 9.6.1993, members of the Flying Squad of PSEB checked the meter and

found that the meter was in proper working and the seals were also intact, but informed that they did not have the correct impressions of the seals and would verify the same. On 11.9.1993, again the meter was inspected and found to be in working order. However, on the said date, the meter was removed on the pretext of getting the seals checked and, therefore, the dispute arose by virtue of provisions of Section 26(6) of the Indian Electricity Act and the provisions of Section 20 of the Arbitration Act, 1940 were invoked.

Mr.Sachdev has referred to Section 26(6) of the Indian Electricity Act. During the pendency of the petition, an application was moved for getting the meter checked in the presence of the consumer. However, this Court vide order dated 30.9.2005 directed the Electricity Board to check the meter in the presence of the consumer. It has transpired that the consumer has not appeared before the Board, therefore, the meter could not be checked.

In view of the aforementioned facts, once the consumer has not associated with the Electricity Board for examination of the meter, in my view, the dispute sought to be raised by invoking the provisions of Section 20 of the Indian Arbitration Act is premature. Had the petitioner, in view of the direction issued by this Court on 30.9.2005, appeared before the Board for getting the meter examined in his presence and the report would have been produced before the Court below, the Court below could have referred the matter to the Arbitrator after noticing the report, but that event has not arisen owing to the alleged non-presence of the consumer.

Mr.Sachdev, on instructions, submits that his client or his representative would visit the M.E.Lab. on receipt of the advance notice for

examination of the meter. Mrs.Geeta Sharma, learned counsel for the respondents submits that the PSEB is not averse to getting the meter examined in the presence of the consumer.

Keeping in view the aforementioned facts, in my view, the petition under Section 20 of the Arbitration Act is premature. Accordingly, the revision petition is dismissed.

However, the petitioner shall be at liberty to seek the arbitration in case of any adverse report.

December 11, 2015
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(AMIT RAWAL)
JUDGE