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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18124 of 2015
Date of decision:30.09.2015

UHBVN Nigam Ltd. and others ...Petitioners

Versus

Amar Hatcheries ...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. P.S.Sullar, Advocate,
for the petitioners.

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Rakesh Kumar Jain, J.

The petitioners are aggrieved against the order passed by the Permanent Lok Adalat dated 25.03.2014.

In short, the respondent is a partnership firm situated at village Chamrara, Tehsil Israna, District Panipat and was released electricity connection of 90 KW under Account No.MC5-1 and is being supplied electricity from Maaridi Power House. From the said power house, two special electric connections have also been provided by the respondents to Gupta Industry at village Balana whose electric consumption is more than that of the respondent-firm and a joint meter of the two factories; one of the Gupta Industries and another of the respondent-firm, has been installed in the said power house. Thus, in case of any line loss of the electricity, it is to

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be paid by the respondent-firm as well as the Gupta Industry. The petitioners raised a demand of ₹3,91,430/- in the bill of January 2013 till February 2013 shown as sundry charges, payable by the respondent-firm, which is subject matter of the dispute.

The Lok Adalat, after taking into consideration the facts and circumstances, recorded the following findings:-

> "6. After hearing the ld. counsel for the parties and going through the documents placed on this file, it is clear that the respondents have not produced the MRI data pertaining to the period before 13.12.2012 the date on which M&P wing had checked the meter of the applicant, despite several opportunities given to them by this Adalat. It is pertinent to mention here that without MRI data, the exact period of slowness of the meter prior to 13.12.2012, could not be found out. It is also pertinent to mention here that undisputedly the said meter was set right on 13.12.2012 the date of checking thereof by M&P wing itself.
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> 7. Further also to arrive at the factual position of the consumption of the electricity, it would be proper to see the consumption of the electricity by the applicant firm for six months w.e.f. June-2013 to November-2013 i.e. the corresponding period of June-2012 to November-2012. During the period from June-2012 to November-2012, the electricity consumption of the meter of the applicant was 169217 units and that of June-2013 to November-2013, 159222 units. It means, during the period from June-2012 to November-2012, the consumption shown by the meter of the applicant was more than that of the time w.e.f. June-2013 to November-2013. There is nothing on the file which can suggest that the business of the firm was reduced during June 2013 to November 2013, thus, the amount of Rs.3,91,430/- shown by the respondents in the bill of the applicant as sundry

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> charges, cannot be said to be chargeable from it. The respondents are directed to correct this bill accordingly."

Although *l*earned counsel for the petitioners has argued vehemently but failed to find any fault in the impugned order.

In view thereof, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

September 30, 2015 **(Rakesh Kumar Jain)**
vinod* **Judge**