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

**RSA No.503 of 2014
Date of decision : 03.08.2015**

M/s Sarswati Steel Rolling Mills, Jalandhar ...Appellants

versus

Punjab State Electricity Board, Patiala & another ...Respondents

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. R.S.Bajaj, Advocate for the appellants.

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RITU BAHRI , J (Oral)

The appellants/defendants have come up in regular second appeal against the concurrent finding of fact recorded by the trial Court and the lower appellate Court, whereby the suit filed by the plaintiffs for the recovery of Rs.5,00,746/- has been decreed with interest @ 6% per annum.

The facts not in dispute are that the present appellants/defendants were having an electricity connection No.LS-41 of 2000 KWs. This connection was issued in the name of defendant No.2-Mukesh Kumar of M/s Sarswati Steel Rolling Mills and the bills were being paid by the defendants regularly. The present appellants filed a writ petition No.4061 of 2001 Ex.P1 before this Court through its proprietor Mukesh Kumar relating to the same connection. The appellants/defendants had challenged the imposition of surcharge by way of writ petition No.4061 of 2001 Ex.P1, which was withdrawn.

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The bills in dispute were challenged before the Zonal Level Disputes Settlement Committee, to decide the matter against the defendants Ex. P8. After the decision of Zonal Level Disputes Settlement Committee, the present suit was filed by the Punjab State Electricity Board on 24.12.2004. Hence, both the Court came to the conclusion that the suit was filed within limitation. Once the appellants had admitted that the electricity connection had been issued in the name of Mukesh Kumar, hence they could not have denied the liability to pay surcharge of the relative period. Reference was made to a judgment in the case of ***M/s Inndev Engineers (India) P. Ltd. Vs. Delhi Bidyat Board & ors., 2003 (1)-Civil Court Cases-184 (Delhi)***. Both the Courts have rightly come to the conclusion that the surcharge amount for the relevant period should be recovered from the appellants/defendants after the decision of the Zonal Level Disputes Settlement Committee Ex.P8. Judgments passed by both the Courts below do not suffer from any perverse reading of evidence. No substantial question of law arises for adjudication in this appeal.

Dismissed.

03.08.2015 **(RITU BAHRI)**
Vinay **JUDGE**

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