

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

CR No. 2711 of 2015 (O&M)

Date of decision: 25.05.2016

Chhail Mohan Gautam

... Petitioner

versus

DHBNL and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. Pritam Saini, Advocate for the respondent.

K.Kannan, J. (ORAL)

There is no virtue about the case of the petitioner except the fact that he has had a decree for a direction for installation of a new meter. The decree was passed providing that new meter shall be installed and that the electricity charges will be levied without surcharge within a period of a week. The decree holder's complaint was that the new meter had not been installed as per the direction contained in the decree. The respondent contended that after the institution of the suit in May 2010, the Electricity Corporation had installed the new meter in December 2010 and the electricity bills were being raised on the basis of consumption recorded in the new meter which was installed subsequent to the suit. The Court called upon the respondent to give the affidavit about the date of installation and on being satisfied that the installation was done subsequent to the suit, dismissed the execution petition.

In an ideal situation, the Electricity Corporation must have brought to the attention of the Court even before the decree was passed

that a new meter has been installed but the Corporation remained ex-parte and had allowed for the decree to be passed. I will not render the decree to become otiose and will give the effect to it by a direction that yet another new meter will be installed provided, however, the petitioner pays all the electricity charges which have accumulated till date and makes no issue before the Executing Court that the electricity bills are faulty. No such objection will be entertained at the Executing Court. The manner of redressal of grievance about the excess billing is available under the Electricity Act and the regulations and the Civil Court will not interfere with reference to the bills raised except to the extent to which civil Court jurisdiction could be invoked under the provisions of the Act themselves.

The order is modified and the petitioner is at liberty to tender all the electricity charges that have been raised so far and the liability shall be taken as it is and the only benefit will be that if there is any reference to surcharge in the bills, the same need not be paid by the petitioner. The amount billed shall be paid without any objection regarding limitation and on such payment, serve a notice on the respondent to make the installation of new meter. The Corporation is entitled to make such charges as the regulation provided of for fresh installations. This facility shall be availed by the petitioner within six weeks from the date of the receipt of the copy of the order failing which the relief granted will lapse and it shall no longer be possible for the petitioner to claim for enforcement of the decree.

(K.KANNAN)
JUDGE

25.05.2016

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