

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

CWP No. 13700 of 2012 (O&M)

Date of decision: 18.03.2016

M/s Reliance Capital Ltd.

....Petitioner

Versus

The Permanent Lok Adalat, Gurgaon and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Yogesh Kumar Saini, Advocate, for
Mr. Manoj Bajaj, Advocate,
for the petitioner.

Mr. R.A Yadav, Advocate,
for respondent No.2.

Mr. Rajneesh Chadwal, DAG, Haryana.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for quashing of the order dated 15.03.2011 (Annexure P-4) passed by The Permanent Lok Adalat (Public Utility Services), Gurgaon-respondent No.1 on the application filed by respondent No.2, titled as “Vinod Kumar Vs. M/s Reliance Capital Ltd. and another” (Annexure P-3).

The impugned award, Annexure P-4 has been passed by the Chairman, Permanent Lok Adalat (Public Utility Services), Gurgaon. Other facts of the case are not required to be referred to as only a short question has been raised by the learned counsel for the petitioner that, the order has been passed by the Chairman alone, who is not competent to pass the order, sitting singly, as per provisions of

Section 22-B and 22-E of the Legal Services Authorities Act, 1987 (for short “the Act”).

It would be appropriate to reproduce Sections 22-B and 22-E of the Act, which read as under:-

“Section 22-B. *Establishment of Permanent Lok Adalats.* -

- (1) *Notwithstanding anything contained in Section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.*
- (2) *Every Permanent Lok Adalat established for an area notified under Sub-Section (1) shall consist of-*
 - (a) *a person who is, or has been, a District Judge or Additional District Judge or has held judicial office higher in rank than that of a District Judge, shall be the Chairman of the Permanent Lok Adalat; and*
 - (b) *two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.*

22-E. *Award of Permanent Lok Adalat to be final.* -

- (1) *Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.*
- (2) *Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil Court.*
- (3) *The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.*
- (4) *Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.*
- (5) *The Permanent Lok Adalat may transmit any award made by it to a civil Court having local jurisdiction and such civil Court shall execute the order as if it were a decree made by the Court.”*

Perusal of Section 22-B of the Act, clearly reveals that every Permanent Lok Adalat shall consist of three members including Chairman. Section 22-E of the Act, provides that award of Permanent Lok Adalat shall be by majority. Thus, out of three, atleast two members are required for passing the order, whereas the impugned order has been passed by the Chairman sitting singly.

In view of above, the impugned award dated 15.03.2011 (Annexure P-4) is set aside and the case is remanded back to the Permanent Lok Adalat (Public Utility Services), Gurgaon for fresh decision in accordance with law.

Parties through their counsel are directed to appear before the Permanent Lok Adalat (Public Utility Services), Gurgaon on 25.04.2016.

18.03.2016
PA

(Paramjeet Singh Dhaliwal)
Judge