

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.21372 of 2014 (O&M)

Date of decision:-18.01.2016

Punjab State Civil Supplies Corporation Ltd.

.....Petitioner

Versus

Chairman, Permanent Lok Adalat and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Ms. Deepali Puri, Advocate,
for the petitioner.

Mr. Pankaj Gupta, Advocate,
for respondent No. 2.

RAJESH BINDAL, J.

Challenge in the present petition is to the order dated 01.08.2014 (Annexure P-9), passed by the Permanent Lok Adalat (Public Utility Services) Fatehgarh Sahib, whereby the money claim of the respondent No. 2 to the tune of ₹ 4,77,964/- on account of milling/shelling of paddy charges for the years 2010-11 and 2011-12 was allowed.

Learned counsel for the petitioner submitted that the Permanent Lok Adalat did not have the jurisdiction to entertain the complaint as the petitioner is not a Public Utility Service Provider. She further submitted that a sum of ₹ 4,77,964/- as principal amount and amount of ₹ 22,786/- as interest was got deposited by the Lok Adalat from the petitioner under duress which amount is still lying deposited. She further submitted that after passing of the impugned

award, bank account of the petitioner was attached and a sum of ₹5,07,000/- was transferred by the bank to respondent No. 2 for execution of the order passed in his favour. The same deserves to be refunded back to the petitioner. The amount was remitted by the bank to respondent No. 2 before 09.01.2015 as the confirmation thereof was given by the bank on that date.

Learned counsel for respondent No. 2 fairly did not dispute the fact that the Permanent Lok Adalat (Public Utility Services), Fatehgarh Sahib did not have the jurisdiction to go into the issue regarding money claim of respondent No.2 against the petitioner, which is not a Public Utility Service Provider, hence the impugned order may be set aside. However, respondent No. 2 may be given liberty to avail of his appropriate remedy in accordance with the law. He further submitted that sum of ₹ 5,07,000/- received by respondent No. 2 in execution of the impugned order shall be remitted by him in the office of the petitioner within a period of two weeks from today. He further submitted that an additional sum of ₹ 50,000/- shall be paid by respondent No. 2 as interest on ₹ 5,07,000/- received by him one year back. He further submitted that for this avoidable frivolous litigation, respondent No. 2 will pay costs of ₹ 50,000/- to the petitioner.

Let needful be done by respondent No. 2

A sum of ₹ 5,07,000/- lying deposited in the Permanent Lok Adalat (Public Utility Services), Fatehgarh Sahib be refunded to the petitioner within a period of two weeks. In case of failure of respondent No. 2 to comply with the order within prescribed period,

the petitioner shall be at liberty to approach this Court for initiating contempt proceedings against him.

The petition stands disposed of.

18.01.2016

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(RAJESH BINDAL)
JUDGE