

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 2760 of 2016 (O&M)
Date of Decision : 14.12.2016

Rakesh Kumar

....Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Budhwar, Advocate
for the appellant.

Surinder Gupta, J.

Plaintiff-appellant filed suit challenging bill bearing no. 00907 dated 29.11.2013 issued by Uttar Haryana Bijli Vitran Nigam Ltd. towards use of electricity by plaintiff against his electric connection bearing account no. 5611/1314/W.

2. Case of plaintiff, in brief, is that electric meter installed at his house got burnt and was replaced. Plaintiff was paying bill on average basis but he received bill dated 29.11.2013 for ₹51,255/-. He had never consumed more than 67 units of electricity and the impugned bill was showing consumption of 7173 units. He contacted the defendants-respondents and requested for correction of the bill but in vain, hence this suit.

3. The defendants contested claim of plaintiff *inter alia* pleading that when the meter of plaintiff was removed, it was showing the reading of 8900 units but plaintiff had paid the bill upto 1794 units and the bill of remaining units alongwith units consumed in the months of October and November, 2013 was issued, which is as per consumption of electricity units by plaintiff.

4. Suit of plaintiff was decreed by Civil Judge (Junior Division), Karnal but the Ist Appellate Court accepted the appeal and set aside the judgment and decree passed by the trial Court.

5. Perusal of judgment of Court below shows that at the time of removal of meter, videography of the entire proceedings was undertaken. Particulars of burnt meter, its make and units consumed were duly noted in M.C.O. report prepared at the spot, which was duly signed by plaintiff. Record of the connection of plaintiff was produced which shows that he had paid electricity bill for consumption of 1794 units till replacement of meter and there was deficiency of 7106 units in actual consumption. After adding 67 units consumed by plaintiff after installation of new meter, bill of consumption of 7173 units was issued to plaintiff, which he is legally bound to pay.

6. On appraisal of evidence, Ist Appellate Court concluded that plaintiff deliberately and intentionally manages to show less consumption of units in connivance with official of defendant-respondent, who was an ex-serviceman engaged on contract basis for recording the consumption of electricity units by the consumer. The proceedings of removal of electric meter was videographed and units consumed were recorded in M.C.O. report (Ex. D-1), which was signed by plaintiff. Though, here also he played mischief by signing as Rajesh Kumar instead of Rakesh Kumar. These facts were also before learned trial Court but version of defendants was discarded on the ground that bills of consumption of electricity units were issued to plaintiff from time to time and after the meter got burnt these were sent on average basis.

7. Learned counsel for the appellant has argued that bills of

consumption of electricity were being prepared as per meter reading by meter reader, who was official of defendant, as such, there was no lapse on the part of plaintiff.

8. The above argument of learned counsel for the appellant, however, does not appeal to conscious as plaintiff has neither challenged the videography proceedings of removal of his meter or preparation of M.C.O. report, where last reading of electricity consumed was recorded as 8900 units.

9. Keeping in view all the above facts and circumstances, Ist Appellate Court has rightly concluded that impugned bill issued by the defendant-respondent is in accordance with consumption of electricity by plaintiff, which he is liable to pay. I find no legal or factual infirmity in the findings of facts recorded by Ist Appellate Court calling for any interference. No substantial question of law, requiring determination, arises in this appeal, which has no merit.

Dismissed.

December 14, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No