

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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RSA No. 1391 of 2014

Date of Decision: 15.03.2016

M/s H.S.Sandhu Builders Private Limited

.....APPELLANT

VERSUS

Punjab State Power Corporation Limited and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. N.S.Chahal, Advocate,
for Mr. J.S.Brar, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division) Ludhiana dated 01.03.2013, whereby the suit for declaration to the effect that the demand raised/created by the respondents-defendants vide notice bearing No. 2815 at Serial No. 98 received by the appellant-plaintiff on 23.09.2011 against the electric connection bearing account No. TY-11491 is illegal, void, mala-fide, without any jurisdiction and against the Rules of the Punjab State Power Corporation Limited and is not tenable under the law and Electricity Act, 2003 and, thus, liable to be set aside with mandatory injunction restraining the respondents from disconnecting the electricity meter on the basis of the said demand, stands dismissed, appeal against which preferred by the appellant-plaintiff has also been dismissed by the Additional District Judge,

Ludhiana, on 03.10.2013.

2. It is the contention of the learned counsel for the appellant that Section 56 of the Electricity Act, 2003 has been violated by the respondents and, therefore, the disconnection of electricity connection by the respondents is not sustainable. This contention of the learned counsel for the appellant is not acceptable as detailed reasons have been given by the Lower Appellate Court explaining as to how the demand was put forth, that too, on the basis of the evidence, which has been led by the respondents, which justifies the demand, as has been raised by the respondents. The findings, as recorded by the Courts below, thus, cannot be faulted with. The demand, as alleged, has not been found to be not substantiated by any valid reasons or provisions, which could call for interference by this Court.

3. No other point has been argued by the counsel for the appellant-plaintiff.

4. There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be based on proper appreciation of the pleadings and the evidence produced by the parties, there is no illegality in the impugned judgments passed by the Courts below.

5. There is no substantial question of law in the present appeal, which requires consideration of this Court.

6. In view of the above, finding no merit in the appeal, the same stands dismissed.

March 15, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**