

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

RSA-4800 of 2014 (O&M)

Date of decision:12.01.2016

Umed Singh

...Appellant(s)

Versus

Dakshinin Haryana Bijli Vitran Nigam and Ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Amrinder Singh, Advocate,
for the appellant(s).

JITENDRA CHAUHAN, J.

The instant regular second appeal has been preferred against the judgment and decree dated 13.08.2012 passed by the learned Additional Civil Judge(Sr. Division), Narnaul (for short, 'the trial Court'), whereby, the suit of the plaintiff-appellant has been dismissed; and impugned judgment and decree dated 28.05.2014, passed by the learned Additional District Judge, Narnaul (for short, 'the first Appellate Court'), whereby, the appeal preferred by the plaintiff-appellant against the impugned judgment and decree dated 13.08.2012 of the trial Court, has been dismissed.

The plaintiff filed suit for permanent injunction to the

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effect that the sundry allowance of Rs.15,050/- imposed on Meter No.N-13RM-51-0620 of the plaintiff is illegal, wrong, null and void and the department be restrained to recover the said amount and to disconnect the energy connection. The trial Court, vide impugned judgment and decree dated 13.08.2012, dismissed the suit after returning issue-wise findings that the demand of the defendants/department is genuine and there is no infirmity in the order as the onus was on the plaintiff to establish that order is void and illegal, which he could not discharge.

The appeal filed thereagainst by the plaintiff was dismissed by the learned first Appellate Court, vide judgment and decree dated 28.05.2014.

The learned first Appellate Court affirmed all the findings recorded by the trial Court after discussing and evaluating the oral as well as documentary evidence on record.

Hence, this appeal at the behest of the plaintiff.

I have heard learned counsel for the appellant and gone through the case file.

The appellant has claimed that he is entitled to install 15 BHP motor for agricultural purposes. The learned counsel for the appellant has not been able to refer to any policy, scheme or regulation in this regard, in support of his assertion. Even the

application for installing the meter was for 10 BHP motor. Instead of adhering to the norms for such purpose, the appellant installed 15 BHP motor, which is unauthorized and in clear violation of the installation of meter. This Court has re-scanned the entire evidence on record.

In the considered opinion of this Court, no question of law for determination is made out. Both the Courts below have concurrently decided issue No.1 against the plaintiff. The demand raised by the defendant is legal and justified. The conduct of the plaintiff in using the unauthorized electricity disentitles him for discretionary relief of permanent injunction. The plaintiff instead of approaching the Disputes Redressal Committee for the redressal of his grievance, directly came to this Court and the civil Court is not a technical expert who could fairly adjudicate the matter. The plaintiff has failed to show that the demand raised is illegal, without jurisdiction, null or void. The judgments of both the Courts below are affirmed.

The case law *PSEB Vs. Joginder Singh – 2001(4) R.C.R. (Civil) 4* is distinguishable on facts.

No merit. Dismissed in limine.

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(JITENDRA CHAUHAN)
JUDGE