

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
107**

C.M. 12302-C of 2014 &
RSA No. 5209 of 2014

Date of Decision: 25.02.2016

Jindal Rolling Mill Limited, Hisar

.....APPELLANT

VERSUS

Dakshin Haryana Bijli Vitran Nigam, Hisar and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. I.P.S.Doabia, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J (ORAL)

C.M. 12302-C of 2014

Prayer in this application is for condonation of delay of 10 days
in re-filing the appeal.

For the reasons mentioned in the application, which is duly
supported by the affidavit of the clerk of the counsel for the
applicant/appellant, the same is allowed. Delay of 10 days in re-filing the
appeal stands condoned.

RSA No. 5209 of 2014

Challenge in this appeal is to the judgment and decree passed
by the Civil Judge (Junior Division) Hisar dated 18.12.2013, whereby the
suit for permanent injunction restraining the respondents-defendants and
their employees from charging transmission loss and break down losses
from the plaintiff in respect of Electric Connection No. LS-9 of Sub-

Division, Satrod, Hisar being wrong, incorrect, illegal, arbitrary, against the provisions of Electricity Act/Rules, sale circulars/instructions and principle of natural justice and refund/adjustment of the amount so charged or to be charged during the pendency of the suit, stands dismissed, appeal against which preferred by the appellant-plaintiff has also been dismissed by the Additional District Judge, Hisar on 22.03.2014.

2. It is the contention of the learned counsel for the appellant that the Courts below have wrongly interpreted the Circular dated 02.09.2009 Ex. D-12, according to which the appellant-plaintiff is covered by the same. He contends that as per the regulations, the billing should be done from the substation meter for only those consumers who are being fed through an independent feeder at their own request and who have taken connection after 26.07.2005 i.e. after the notification of Regulation No. HERC/12/2005. He contends that merely because the transmission lines have been provided for and the substation is being maintained by the appellant-plaintiff, they cannot be penalized for the same and the transmission losses cannot be imposed upon them when other consumers are being given the benefit of transmission losses from the substation till the meter installed in their premises. He, thus, contends that the judgments and decree passed by the Courts below cannot sustain and deserve to be set aside.

3. Having considered the submissions made by the learned counsel for the appellant and with his assistance, on going through the impugned judgments, I do not find any illegality in the same nor do I find merit in the contentions, as raised by the counsel for the appellant.

4. Although the first part of the circular, as has been asserted by the counsel, may be of some help to the appellant-plaintiff but the said

circular and the regulations therein will not be applicable to the case of the appellant-plaintiff as the regulation itself states that the regulations do not provide to cover those consumers who have been provided with independent feeder at the discretion of the utility and, therefore, the contention of the learned counsel for the appellant cannot be accepted especially when, admittedly, the transmission lines have been installed by the appellant-plaintiff and to maintain the same as also the independent feeder from the substation in the premises is the responsibility and duty of the appellant-plaintiff. The losses in transmission have also been admitted to be dependent upon the quality of the electricity wires, which electricity wires have been installed by the appellant-plaintiff. If that be so, the transmission losses are at the hands of the appellant-plaintiff and for which, they cannot be given the benefit at the cost of the respondents.

5. 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.

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

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

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

February 25, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**