

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

CWP No.2427 of 2012
Date of decision : 21.03.2017

Punjab State Transmission Corporation Ltd. and others ...Petitioners

Versus

Permanent Lok Adalat and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Vikas Chatrath, Advocate for the petitioners.

Mr. J.S. Jaidka, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

The present writ petition is filed by Punjab State Transmission Corporation Ltd. against the order of Lok Adalat, whereby claim of one Jasbir Singh who is stated to have purchased the land from Mr. K.L. Chhabra, was filed by invoking the provision of Section 22(c) of Legal Services Authority (Amendment) Act, 2002.

Mr. Vikas Chatrath, learned counsel appearing on behalf of petitioners submits that K.L. Chhabra moved an application for shifting of 66 KV lines to another portion of the land and after considering the case, request was made to deposit a sum of ₹13,51,502/- which is indicated from the letter dated 25.04.2004 but did not deposit the remaining amount of ₹3,36,302/-with PSEB despite of repeated reminders in the year 2005, 2008, 2009 etc. On non-deposit of the amount, shifting of the work of electricity lines did not start, in essence, the contract was only with K.L. Chhabra and not with Jasbir Singh. The petition was filed by not impleading K.L.

Chhabra or his LRs who according to the respondent, had died, therefore, order is not sustainable in the eyes of law. Claimant Jasbir Singh failed to obtain the NOC regarding the completion of estimates from the LRs of K.L. Chhabra.

On the contrary, Mr. J.S. Jaidka, learned counsel appearing on behalf of respondent No.2 submits that he is the owner of the land measuring 3 kanals 6 marlas situated at Village Barewal Awana, Hadbast No.157, Abadi Panchsheel Vihar, Ludhiana. The applicant along with others, having plot with the colonizer moved an application for shifting of the 66 KV lines which was going across his plot, to the side of the plot on subject of the deposit of usual charges. The aforementioned application was moved by one K.L. Chhabra on 08.10.2003 for rerouting 66 KV lines and deposited ₹5,000/-. After examining the technical feasibility, AEE/TLSC, Sub Division Punjab State Power Corporation Ltd., Ludhiana, prepared the deposit estimate which was sanctioned by Engineer-in-Chief, Transmissions Lines/Works Section, Patiala was deposited ₹13,51,302/- on 20.04.2005 with the condition that before undertaking task/work of shifting of aforementioned line, full cost as estimated be got deposited from the applicant. Route plan for shifting was approved by the Engineer-in-Chief vide letter dated 14.01.2004. K.L. Chhabra deceased had deposited a sum of ₹10,15,000/- with the Department on 12.01.2004. Rest of the amount as alleged by the petitioner i.e. ₹3,36,302/- stood deposited by the applicant on 27.06.2011 which has been accepted without any demur, thus, challenging the order is nothing but to tire out the respondents and thus urges this Court that order under challenge is perfectly legal and justified and do not call for

interference.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submission of Mr. Vikas Chatrath, Advocate, for, there is no interim order granted by the Court. The factum of deposit of ₹3,36,302/- as indicated above has not been disputed in the writ petition. The Lok Adalat had examined the matter threadbare and found that in case any cost deposited goes beyond sanctioned amount which the Department had already received ₹10,15,000/- from K.L. Chhabra, colonizer and ₹3,36,302/- from the applicant, which has been accepted but the order of the same amount to be recovered from the concerned officer was not called for, though, there was some delay on the part of Electricity Board. It is also matter of record that rerouting/shifting of 66 KV lines remained idle for past so many years.

For the reasons aforementioned, I am of the view that the order of Lok Adalat is perfectly, legal and justified, except with the modification, that the amount which was ordered to be recovered from the concerned officer, cannot be done as purpose has been achieved.

No ground for interference is made out.

Accordingly, present writ petition stands dismissed.

21.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No