

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.19201 of 2015

Date of decision: July 17, 2017

Dakshin Haryana Bijli Vitran Nigam & others

...Petitioners

Versus

The Chairman, Permanent Lok Adalat,
Public Utility Services, Sirsa & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anil Chawla, Advocate for the petitioners.

Rajan Gupta, J.

Petitioner has sought a writ in the nature of certiorari for quashing order dated 07.05.2015 (Annexure P-3), passed by Permanent Lok Adalat, Public Utility Services, Sirsa, whereby the petition filed by respondent No.2 under Section 22-C of the Legal Services Authorities Act, 1987 has been allowed and memo/notice dated 17.11.2014 issued by the petitioner Nigam has been quashed by setting aside the demand of Rs.17,754/- and Rs.6000/- towards compounding fee.

Learned counsel for the petitioner has assailed the order. According to him, Circular Annexure P-6 does not apply in the present case. Application was given by the applicant/respondent No.2 for change of meter. He has relied upon judgment of this court in *CWP No.15748 of*

2011 titled as Punjab State Power Corporation Ltd. Vs. Vikas Mittal, Director, J.P. Agri. Solutions Pvt. Ltd. & another, decided on 31.07.2012.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent No.2 being consumer of electricity, moved an application for change of meter, which was allowed and his electricity meter was changed on 25.11.2013 and at that time the official of the Nigam found the seal of the meter intact. After about one year, respondent no.2 received letter dated 17.11.2014 issued by S.D.O. of the Nigam asking him to visit the M&T Lab. When he visited there, the officials obtained his signatures on some blank papers. Thereafter, officials of the Nigam threatened to involve him in some criminal case by adopting coercive methods. Faced with this, respondent No.2 filed petition under Section 22-C of Legal Services Authorities Act, 1987 before respondent No.1 for settlement of dispute regarding his electricity connection. Same was allowed by respondent No.1, directing the Nigam not to initiate any legal action against respondent No.2. It observed that under the circumstances, Nigam cannot be allowed to penalize and prosecute the consumer. Aggrieved, present writ petition has been preferred by the Nigam.

I find no legal infirmity with the order passed by respondent No.1. It appears, no FIR was registered at the behest of the petitioner Nigam regarding the theft of electricity. The judgment relied upon by the petitioner pertains to theft. It is inexplicable how judgment in *Vikas*

Mittal's case (supra) has application to the facts of the instant case. Besides, paltry sum of Rs.17,754/- is involved in the case. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

July 17, 2017
'Rajpal'