

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1.

CWP No.21115 of 2014

Date of Decision: November 16, 2017

Punjab State Power Corporation Ltd. and others

. . . . Petitioners

Vs.

Malkit Singh and another

. . . . Respondents

2.

CWP No.11634 of 2015

Agya Pal Singh Bath

. . . . Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Parminder Singh-1, Advocate,
for the petitioners (in CWP No.21115 of 2014).

Mr.G.S. Punia, Sr. Advocate, with
Ms.Harveen Kaur, Advocate,
for the petitioner (in CWP No.11634 of 2015)

Mr.K.S. Brar, Advocate, for
Mr.I.S. Brar, Advocate,
for respondent No.1 (in CWP No.21115 of 2014).

Mr.S.S. Gurna, Advocate, for
Ms.J.K. Gurna, Advocate,
For respondents No.1 to 3 (in CWP No.11634 of 2015)

RAKESH KUMAR JAIN, J. (ORAL)

Both the petitions bearing *CWP No.21115 of 2014* titled as

“Punajb State Power Corporation Ltd. Vs. Malkit Singh and another”

[hereinafter referred to as the ‘1st petition’] and *CWP No.11634 of 2015*

titled as ***“Agya Pal Singh Bath Vs. Punjab State Power Corporation Ltd. and others”*** [hereinafter referred to as ‘the 2nd petition’] are being disposed of by a common order because of the order dated 09.03.2016 passed in the 2nd petition that it would be heard along with the 1st petition.

The 1st petition is filed for quashing the award dated 26.9.2013 passed by the Permanent Lok Adalat for Public Utility Services, Faridkot [for short ‘the PLA’] by which the application filed by respondent No.1 under Section 22(C) of the legal Services Authorities Act, 1987 [for short ‘the Act of 1987’] challenging the demand raised by the petitioner, in terms of Section 126(6) of the Electricity Act, 2003 [for short ‘the Act’] for unauthorized use of electricity has been decided by respondent No.2 and respondent No.1 has been asked to pay only ₹70,000/- against the demand of ₹1,40,693/-.

Learned counsel for respondent No.1 has submitted that pursuant to the order passed by the PLA ₹70,000/- has already been deposited. However, learned counsel for the petitioner submits that the award passed by the PLA is patently illegal and without jurisdiction as the impugned order passed under Section 126(6) of the Act could only be challenged by way of an appeal under Section 127 of the Act and the PLA had no jurisdiction at all to decide the same.

I am in agreement with the petitioners because Section 127 of the Act provides an appeal to challenge the order passed under Section 126(6) of the Act with regard to the unauthorized use of electricity [UUE]. Consequently, the present petition is hereby allowed and the award passed by the PLA dated 26.9.2013 is hereby set aside on this ground alone.

Insofar as the 2nd petition is concerned, the petitioner is the consumer, who has challenged the order passed by the Permanent Lok Adalat (Public Utility Services), Fatehgarh Sahib dated 27.4.2015 by which his application filed under 22(C) of the legal Services Authorities Act, 1987 has been dismissed.

It is needless to mention that the petitioner in the 2nd petition has also challenged the demand raised under Section 126(6) of the Act before the Permanent Lok Adalat though he had the remedy of appeal in terms of Section 127 of the Act.

Learned counsel for the petitioner has submitted that he had deposited 60% of the amount of the demand at the time when stay was granted by this Court. It is submitted that he would avail the remedy of appeal but till then his electricity connection may not be disconnected as he has already paid the substantial amount.

In view of the above, the 2nd petition is hereby disposed of.

It is needless to mention that respondent No.1 in the 1st petition and petitioner in the 2nd petition may, if so advised, avail their remedy of appeal in which they may also file an application under Section 14 of the Indian Limitation Act, 1963 for condonation of delay on the ground that they were pursuing their remedy before the Court of law though having no jurisdiction.

Since respondent No.1 in the 1st petition and the petitioner in the 2nd petition have already paid more than 50% of the demand raised by the Corporation, therefore, till the filing of their appeal and consideration of

their application for stay, their electricity connection shall not be disconnected.

A photocopy of this order be placed on the file of connected case.

NOVEMBER 16, 2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>