

CWP-24223-2013

Date of Decision : 24.01.2017

Dakshin Haryana Bijli Vitran Nigam Ltd

.....Petitioner

versus

Shamsher Singh

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Chandar Prakash, Advocate for
Mr. Raheel Kohli, Advocate
for the petitioner.Mr. R.S. Tacoria, Advocate
for the respondent.**M.M.S. BEDI, JUDGE (ORAL)**

Learned counsel for the petitioner has challenged the impugned order dated 08.10.2013 passed by the Permanent Lok Adalat Gurgaon mainly on the point of jurisdiction claiming that under provisions of Section 22 (C) of the Legal Services Authority Act, the Permanent Lok Adalat will not have any jurisdiction.

I have heard learned counsel for the petitioner and considered the contentions in context to the provisions of Section 22 (C) (8) of the Legal Services Authority Act which provides that if the parties do not reach any agreement, the Permanent Lok Adalat can decide the case on merits.

In this context, a judgment of Apex Court in “**Bar Council of India versus Union of India**” 2012 (4) Recent Apex Judgments 309 can be referred to, wherein the point raised by learned counsel for the petitioner, has been decided, holding that, if the parties are not able to

reach an agreement, it will always be open to the Permanent Lok Adalat to decide the case on merits.

I am of the opinion that there is no serious controversy regarding the supply of electricity by the petitioner to respondent subject to the eligibility, in accordance with the provisions of the Electricity Act and the Rules framed, thereunder. No ground is made out for interference.

Learned counsel for the petitioner has submitted that in view of the decision of the Regulatory Commission, passed prior to the order of the Permanent Lok Adalat, the Corporation cannot be directed to issue connection to the respondent as he applied for the connection after the year 2015.

I have considered the said contentions. The Regulatory Commission had not prohibited the petitioner to provide connections to the consumers on finalizing their eligibility by the Regulatory Commission and no absolute bar has been imposed on the petitioner, Corporation to grant any fresh connections.

Dismissed.

(M.M.S. BEDI)
JUDGE

24.01.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No³