

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

CWP-676-2016

Date of Decision : 02.05.2017

Punjab State Power Corporation Ltd. and othersPetitioners

versus

Permanent Lok Adalat, Public Utility Services
Sri Muktsar Sahib and anotherRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Promila Nain, Advocate
for the petitioners.

Mr. D.D. Bansal, Advocate
for respondent No. 2.

M.M.S. BEDI, JUDGE (ORAL)

Permanent Lok Adalat (Public Utility Services) Sri Mukhtsar Sahib on 20.10.2015 has set aside the demand raised by the petitioner Corporation against respondent No. 2 vide letter dated 21.05.2003 and ordered that the respondent No. 2 shall pay the electricity charges for his load connection of 11.88 KW uptill the date of disconnection as per consumption and excess amount, if any, paid, be returned to respondent No. 2, within a period of one month.

Learned counsel for respondent No. 2 informs that the order has been complied with.

Learned counsel for the petitioner has submitted that compensation of Rs.5 lac has been ordered to be paid to respondent No.2 on account of loss of time, loss of business and mental ability.

I have considered the quantum of the cost in context to the nature of the controversy involved. The dispute in the present case was whether the petitioner was using load of 14.751 KW in respect of

sanctioned load of 11.88 KW. The provisional assessment had been made of Rs.9,95,320/- for unauthorized use of electricity and generator sets. The Permanent Lok Adalat did not appreciate that the assessment was required to be challenged by respondent No. 2 as per provisions of Section 127 of the Electricity Act and in case it was a case of suspected theft then the forum could have been chosen as per the judgment in '*Kapoor Singh Versus Punjab State Coporation Ltd. and others*' 2015 (2) RCR (Civil) 891.

In the present case, the jurisdiction has been wrongly exercised by the Permanent Lok Adalat. However, both the parties have complied with the directions, as such no interference is warranted on merits but the compensation of Rs. 5 lakh remains to be paid to respondent No. 2. The cost imposed on the face of it, is unreasonable, arbitrary and having been granted without there being any jurisdiction with the Permanent Lok Adalat. The order dated 20.12.2015 so far as the grant of compensation of Rs.5 lakh is concerned, is liable to be set aside.

The petition is allowed. Order dated 20.12.2015 so far as the grant of compensation of Rs.5 lakh is concerned, is liable to be set aside. Since the remaining order stands already implemented, it will not be appropriate to set the above order at naught.

(M.M.S. BEDI)
JUDGE

02.05.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No