

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

RSA-1795-2017

Date of Decision:- 17.08.2017

Gurbinder Singh Kang

.....Appellant

Versus

S.D.O. Punjab State Power Corporation Ltd. and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Buta Singh Bairagi, Advocate,
for the appellant.

RITU BAHRI, J. (Oral)

Present appeal is against judgment and decree dated 17.01.2017, passed by the learned Additional District Judge, Ferozepur, whereby the appeal filed against the judgment/decreed dated 15.02.2016, passed by the learned trial Court, has been dismissed.

Plaintiff had filed a suit for declaration to the effect that he is not liable to pay the amount of ₹45,240/- as demanded by the respondent/defendant, vide bill No.256 dated 23.07.2014 in respect of domestic electric meter connection installed in the name of the father of the plaintiff, outside his house.

Defendants have relied upon the documents i.e. copy of checking report dated 25.10.2013 (Ex.D1) and copy of notice dated

01.01.2014 (Ex.D2), which was issued to the plaintiff. In the checking report (Ex.D1), it was specifically mentioned that lash wire of both the ME seals was cut and again rejoined with some adhesive. The ultrasonic welding of the meter was found destroyed and ME seals and body of the meter was found tampered including counter of the meter in order to control the consumption of electricity.

Learned Court of first instance, after appreciating the evidence available on file, returned the findings that keeping in view the law laid down by this Court in **M/s JTG Alloys Private Ltd. Vs. Punjab State Power Corporation Limited and others**, 2014(5) Law Herald, 4186 the suit of the plaintiff is not maintainable as the proper remedy with him was to file representation with the defendants against the impugned notice Ex.D2 or to file an appeal before the Appellate authority.

From the pleadings of the parties, the trial Court has framed the following issues:-

- “1. Whether plaintiff is entitled for decree of declaration as prayed for?OPP
2. Whether the plaintiff is entitled for decree of permanent injunction as prayed for?OPP
3. Whether the jurisdiction of Civil Court is barred under Section 145 of the Indian Electricity Act?”OPD
4. Whether the plaintiff has concealed the material facts from the Court?OPD.
5. Relief.”

Consequently, learned trial Court, after considering the material and evidence available on file, dismissed the suit of the plaintiff

as the same was not maintainable. First appeal filed before the first appellate Court was also dismissed.

Having considering the submissions made by learned counsel for the appellant and after going through the record of the case, this Court is of the considered view that the concurrent findings of fact based on evidence available on file, the present controversy does not call for any interference. There is absolutely no substantial question of law involved in the case, calling for interference, by way of present Regular Second Appeal.

Hence, the present Regular Second Appeal is without any merit and the same stands dismissed.

August 17, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No