

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

RSA No.8 of 2017 (O&M)

Date of decision : 30.08.2017

Goodwill Society (Regd.)

...Appellant

Versus

Punjab State Power Corporation Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Narinder Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff had filed a suit for declaration to the effect that the electricity bill dated 21.01.2012 is illegal, null and void. Plaintiff had also challenged the demand vide memo No.20 dated 04.01.2013 for a sum of ₹1,64,002/- assessed on the basis of consumption of the electricity as recorded in the electricity meter.

It was the case of the plaintiff that they are consumer of electricity and the meter was not running properly. On the complaint of the plaintiff, the meter was removed and checked at M.E. Lab maintained by the respondents. On checking of the meter, it was found that the electricity meter was functioning correctly. The checking was conducted in the presence of the consumer.

Learned trial Court as well as learned First Appellate Court after appreciating the evidence available on the file recorded a concurrent findings of fact that since the electricity meter has been checked and found to be in

order, therefore, the plaintiff has failed to prove its case.

Learned counsel for the appellant has drawn my attention to Regulation 21.4(d) of the Punjab State Electricity Regulatory Commission (Electricity Supply Code and Related Matters), Regulation 2007 to contend that the testing of the meter is to be carried out in a specified manner.

Regulation is extracted as under:-

“21.4 Defective Meters

x x x x x x x

(d) In case of testing of a meter removed from the consumer premises in the Licensee's laboratory, the consumer would be informed of the proposed date of testing atleast seven days in advance. The signature of the consumer, or his authorized representative, if present, would be obtained on the Test Result Sheet and a copy thereof supplied to the consumer.”

A reading of the aforesaid Regulation shows that the testing is to be carried out in the presence of the consumer and signatures of the consumer or his authorized representative is to be obtained on the Test Result Sheet.

I have considered the submission. Courts have found that the representative of the plaintiff-society was present when the meter was checked. This is a finding of fact.

In view of the aforesaid, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

30.08.2017

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No