

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.677-2015 (O&M)
Date of Decision : 11.05.2018

Sukumar Bose

..... Petitioner

Versus

Punjab State Electricity Board and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present :- Mr. S.K.Singla, Advocate
for the petitioner.

None for the respondents.

Amit Rawal, J. (Oral)

The petitioner/plaintiff is aggrieved of the impugned order dated 18.12.2014 whereby the application filed by the petitioner for leading additional evidence had been declined.

The suit has been filed for seeking the following reliefs:-

“Suit for declaration to the effect that the demand of Rs.1,42,066/- raised in bill dated 13.10.2008 as sundry charges regarding connection No.PB65/0602N installed in the name of Harinder Nath in the premises of the plaintiff is illegal, void and not binding upon the legal rights of the plaintiff with consequential relief restraining the defendants from effecting the recovery of Rs.142066/- raised on account of sundry charges vide bill dated 13.10.2008 and disconnect the domestic connection of the plaintiff No.PB65/0602N, illegally, forcibly and without due course of law permanently or any other relief to which this Hon'ble Court may deem fit be granted.”

In the aforementioned suit, the defendants contested the suit by raising the plea that the transformer, by which the electricity was supplied to the petitioner, had burnt and the supply was given to him from other transformer.

On perusal of the case file, it transpired that after completion of the pleadings set up by the parties, the trial Court framed the following issues :-

- “1. Whether the plaintiff is entitled to declaration as prayed for?OPP
2. Whether the plaintiff is entitled to injunction, as prayed for?OPP
3. Whether the suit is not maintainable? OPD
4. Whether the plaintiff has concealed the true facts from the court? OPD
5. Whether this court has no jurisdiction under Section 145 of the Indian Electricity Act to try and decide the present suit? OPD
6. Whether the plaintiff has no locus standi to file the present suit?OPD
7. Relief.”

As per the impugned order dated 18.12.2014, during the cross-examination of the defendants' witnesses the factum of alleged un-authorized use of electricity for which cause of action arose for moving an application of additional evidence for seeking the record from the concerned department but the same was declined. It is submitted that if the petitioner is allowed to lead additional evidence, no harm and prejudice would be caused to the respondent as it would help the Court in adjudication of the case.

There is no representation on behalf of the respondents despite

service. There is already an interim order by this Court on 02.02.2015.

I have heard the learned counsel for the petitioner, appraised the paper book and find that there is no force and merit, for the respondent-defendants specifically raised the objections with regard to the alleged drawing of the electricity from the different transformer . The plaintiff was required to lead the evidence in affirmative during the stage when he was called upon to do so. Allowing the petitioner to lead additional would tantamount to allowing him to lead evidence in rebuttal in the absence of rebuttal issues which is not permissible in law.

In view of above, I find no force and merit in the present petition and the same is dismissed accordingly.

11.05.2018

Wasim Ansari/Seema

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No