

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.14432 of 2014
Date of Decision: 03.04.2018

Gian Chand

. Petitioner

Vs.

Permanent Lok Adalat for Public Utility Services, Sirsa and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Pankaj Midha, Advocate,
for the petitioner.

Mr.H.S. Bhullar, Advocate, for
Mr.Vaibhav Narang, Advocate,
for respondent No.1.

Mr.P.S. Poonia, Advocate,
for respondents No.2 and 3.

RAKESH KUMAR JAIN, J. (ORAL)

The following order was passed by this Court on 18.4.2017: -

*“Petitioner is aggrieved by award dated
26.06.2014 passed by the Permanent Lok
Adalat by which application under Section
22-C of the Legal Services Authority Act has
been dismissed.*

*The petitioner had sought quashing of the
checking reports and notices dated
21.11.2013 and 18.12.2013 by which
demand of Rs.2,39,100/- has been raised.*

The petitioner appears to have opted for a

wrong forum by approaching the Permanent Lok Adalat. The actual remedy lies under Section 127 of the Electricity Act.

Learned counsel for the petitioner would seek instructions to withdraw the petition with liberty to approach the competent forum.

Adjourned to 16.08.2017.”

Learned counsel for the petitioner has submitted that since there is no provisional order of assessment passed by the respondents, therefore, it would not be a case of unauthorized use of electricity for the purpose of invoking the provisions of Section 126 of the Electricity Act, 2003 [for short ‘the Act’] because the remedy of appeal under Section 127 of the Act would be available to the petitioner only after the final order of assessment is passed in regard to unauthorized use of electricity. It is submitted that it is not a case of unauthorized use of electricity but the electricity meter was burnt and the actual data of consumer was not being reflected.

In this view of the matter, learned counsel for the respondents has submitted that the petitioner has a remedy under the Regulations for taking up the matter before the Haryana Electricity Regulatory Commission [for short ‘the Commission’] which deals with such type of grievances.

Faced with this situation, learned counsel for the petitioner has prayed for withdrawal of the petition in order to avail the said remedy at the first instance.

It is made clear that since the petitioner is pursuing his remedy before this Court and if the application is filed by him before the

Commission within one month from today, the Commission shall not raise the issue of limitation and decide the application of the petitioner, in accordance with law. Till such time, the application is filed and fresh order is passed by the Commission regarding the disconnection of the electric connection, the order dated 24.7.2014 passed by this Court in this petition shall continue.

03.04.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No