

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

CWP No.19271 of 2013 (O&M)

Date of Decision: 04.12.2018

Dakshin Haryana Bijli Vitran Nigam Limited and others

... Petitioners

Versus

Bhavnesk Kumar and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None.

ARUN MONGA, J.(ORAL)

Order sheet of the case reflects that the notice of motion was issued on 02.09.2013, thereafter the matter has been pending for the past 05 years in motion hearing and the petitioner-Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL) has not been diligent in prosecuting the case and/or addressing the arguments, despite ample opportunities granted over the years. Vide order dated 22.11.2016, counsel for the petitioners submitted that earlier counsel Sh. K.S.Khehar had left the panel of the petitioner-DHBVNL and in view thereof a fresh notice was issued to the petitioners. Notwithstanding, no steps have been taken even thereafter and the matter has been getting adjourned from time to time.

Petition has been filed impugning the order dated 03.05.2013 passed by Permanent Lok Adalat for Public Utility Services, Faridabad (Annexure P-8) whereby the petitioner-DHBVNL was directed to release the electricity connection to respondent No.1 herein.

The primary ground to impugn the said order of the Permanent Lok Adalat is that under Section 22 (C) (1) of the Legal Services Authority Act, 1987, Lok Adalat does not have jurisdiction to entertain matters where the value of the property in dispute exceeds 10 lakh Rupees.

A perusal of the impugned order reflects that as far as respondent No.1 is concerned, by no stretch of imagination the order qua him can be construed to have pecuniary ramifications beyond 10 lakhs Rupees.

The ostensible ground of pecuniary jurisdiction has been raised by the petitioners herein on the ground that respondent No.2 i.e. The Faridabad Ex-Sainik & Karamchari Co-operative Housing Building Society Limited has certain financial liability towards the petitioners which is stated to be an amount of Rs.3.99 crores allegedly towards the development charges.

Be that as it may, the liability of respondent No.2 or non-payment of the same to the petitioners towards development charges was neither the scope before the Lok Adalat nor in the present proceedings and the petitioner is at liberty to take steps against respondent No.2 to seek recovery of dues, if any.

In view thereof, the present writ petition is dismissed on the ground of non-prosecution as well as on merits.

Dismissed.

(ARUN MONGA)
JUDGE

04.12.2018
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No