

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

**CWP-5557-2010 (O&M)
Date of Decision:30.11.2018**

Bharat Sanchar Nigam Limited

... Petitioner

Versus

President, The Young Dwellers Co-op. House Building Society & another
... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. K.B. Sharma, Advocate for
Mr. D.R. Sharma, Advocate for the petitioner.

Mr. R.S. Rangpuri, Advocate for respondent No.1.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CM-12969-2018:

Notice had been issued in the application.

With the consent of the counsel for the parties, the main writ petition which otherwise stands admitted is taken up on Board for final disposal today itself.

Application is disposed of.

Main case:

The instant writ petition was preferred by the Bharat Sanchar Nigam Limited (BSNL) assailing the order dated 13.07.2009 (Annexure P-1) passed by the Permanent Lok Adalat, U.T., Chandigarh and whereby a view had been taken that the BSNL cannot recover amounts pertaining to the bills for the year 2002 when such recovery was initiated only in the year 2008. It was held by the Permanent Lok Adalat that the period within which an amount could be recovered is three years from the date when the same became payable

and as such the claim of BSNL was held to be time barred. While taking such view, the Permanent Lok Adalat had placed reliance upon the judgment of this Court passed in **RSA-835-2007 (Bharat Sanchar Nigam Limited Vs. Pawan Kumar Gupta)** decided on 12.07.2007.

During the course of hearing today, it stands conceded that Bharat Sanchar Nigam Limited had filed Civil Appeal No.1085-2008 in the Apex Court against the judgment rendered by this Court in RSA-835-2007 and the same has been dismissed on 16.09.2015. Copy of the judgment rendered by the Hon'ble Supreme Court stands appended as Annexure A-1 along with CM-12969-2018.

In view of the above, no infirmity is found in the order dated 13.07.2009 passed by the Permanent Lok Adalat (Public Utility Services), U.T. Chandigarh at Annexure P-1 and the same is affirmed.

Writ petition is dismissed.

30.11.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |