

In the High Court of Punjab and Haryana at Chandigarh

CWP No.13686 of 2017(O&M)

Date of decision: July 09, 2018

**Archaeology Department, Haryana, Art Design Building,
Sector 10, Chandigarh, through its Director**

..... Petitioner

Versus

The Permanent Lok Adalat, Pkl. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Safia Gupta, Assistant Advocate General, Haryana

Mr. Ashish Bansal, Advocate for respondent No.2.

Mr. P.K. Longia, Advocate for respondents No.3 and 4.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by the Archaeology Department, Haryana against the order of the Permanent Lok Adalat (Public Utility Services), Panchkula dated 11.02.2017 by which it had directed the petitioner to pay the electricity bill amounting to ₹2,05,565/- on the ground that it was a part of tenancy.

Learned counsel for the petitioner has submitted that the petitioner had taken on lease from respondent No.2 the basement, 1st and 2nd floors in Panchkula by lease agreement dated 10.09.2005. Respondent No.2 filed an application seeking eviction of the petitioner, which was allowed by the Rent

Controller, Panchkula on 01.06.2012. In compliance of the said order, the premises was vacated but since the valuable antiquities, sculptures were lying in the basement, the said portion was locked and kept in possession of the petitioner. It is further alleged that the petitioner had paid all the electricity bills upto 20.03.2013. Respondents No.3 and 4 had allegedly issued a bill of ₹1,90,108/- which was allegedly more than the actual consumption. The petitioner had a long chain of correspondence with respondent No.3 and 4 for the correction of the electricity bill but to no avail rather respondents No.3 and 4 issued another bill amounting to ₹7,64,807/- after adding penalty. Respondent No.2 filed an application under Section 22C (1) of the Legal Service Authorities Act, 1987 against the aforesaid bill of ₹7,64,807/-. The permanent Lok Adalat allowed the application and reduced it to ₹2,05,565/-. While reducing the said amount, the Permanent Lok Adalat had also directed the petitioner to make payment of the said amount on the ground that it was part of the tenancy.

Learned counsel for the petitioner has submitted that the permanent Lok Adalat though had the jurisdiction to decide about the inflated bill which was issued by respondents No.3 and 4 but could not direct the petitioner to make the payment of said amount as it was a dispute between landlord and tenant.

In this regard, learned counsel for the respondent could not raise any substantial argument as the Act is silent about its power to adjudicate upon the rights and liabilities of landlord and tenant which squarely falls within the domain of the Rent Controller under the relevant Rent Law.

Consequently, this petition is hereby allowed. The last portion of the impugned order is hereby set aside by which the Permanent Lok Adalat has directed the petitioner to pay amount of electricity bill to respondent No.2 as part of the rent. However, liberty is granted to respondent No.2 to initiate appropriate

proceedings in accordance with law for the recovery of the amount of ₹2,05,565/- in case it is payable by the petitioner.

(RAKESH KUMAR JAIN)
JUDGE

July 09, 2018
jt

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No