

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

CWP No.21244 of 2018
Date of Decision: 07.09.2018

Sarpanch/Chairman Water and Sanitation Committee Village Sheron, Tehsil
Sunam, District Sangrur

. Petitioner

Vs.

Permanent Lok Adalat, Sangrur and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Amit Kumar Walia, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is aggrieved against the order dated 30.08.2016 (Annexure P-5) passed by the Permanent Lok Adalat, Sangrur [for short 'the PLA'] by which the order of recovery has been passed against respondent No.2 of an amount of ₹5,02,162/- along with interest @ 9% from the date of filing of the application till the date of payment.

In brief, the respondent No.2 filed an application under Section 22-C of the Legal Services Authorities Act, 1987 [for short 'the Act'] for recovery of an amount of ₹10,03,050/- along with interest @ 12% towards the charges of electricity consumption relating to account No.SC98/0219. The said application was filed against the SDO, Public Health (Water Works), Sunam, District Sangrur, who raised an objection that the consumers of the water connection are the residents of the Village Sheron and the water supply scheme has been handed over to the Gram Panchayat Water and Sanitation Committee [GPWSC] of the village for operation and maintenance of the scheme as per the policy of the Govt. of Punjab.

Accordingly, an application was filed by the petitioner for impleading the present petitioner as a party-respondent which was allowed and the present petitioner/Gram Panchayat filed its reply. The PLA tried to settle the dispute between the parties by way of settlement which could not materialize. Thereafter, the case was taken up for hearing on merits and the PLA came to a conclusion that the petitioner is liable to pay ₹5,02,162/- and not ₹10,030,50/- as claimed by respondent No.2. The order of the PLA was passed on 30.8.2016. Respondent No.2 filed an execution application of the said order in which objections were filed by the petitioner. The objections were dismissed on 17.4.2016. The petitioner has challenged the validity of the order dated 30.8.2016 by filing the present writ petition on 17.8.2018 i.e. after a period of two years.

Learned counsel for the petitioner has basically argued that the PLA has committed an error of the procedure as it did not record in its order about the terms and conditions of the settlement, therefore, the entire proceedings are illegal. Whereas, it has been found that the PLA has specifically recorded in its order that the efforts were made to settle the dispute which could not materialize. Exact language used by the PLA is that “settlement did not take place despite best efforts made by this Court”. It would have been better if the PLA had mentioned something more in the order dated 04.03.2016 about the terms and conditions mentioned to the parties for settlement but keeping in view of the fact that the petitioner is coming after 2 years from the date of passing of the impugned order and it is the Gram Panchayat who had used the electricity and not made the payment to respondent No.2 of the energy consumed and also that there is no other point raised as to how the petitioner is not liable to

pay at least the amount which has been determined by the PLA, I do not find any merit in the present petition and the same is hereby dismissed.

07.09.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No