

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

CWP No. 22988 of 2018

Date of Decision: 11.09.2018

PUNJAB STATE POWER CORPORATION LTD.

..... Petitioner

V/s.

M/S. SHIVALIK VIHAR SITES PVT. LTD. AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Tarun Vir Singh Lehal, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the award dated 23.01.2018 passed by the Permanent Lok Adalat (PUS), SAS Nagar, Mohali by which the petitioner-Corporation has been directed to return the amount to respondent No. 1 alongwith interest @ 9% within 45 days failing which the respondent No. 1 would be liable to pay interest @ 15% per annum till its realization.

The petitioner-Corporation is basically aggrieved against the later part of the order which is as under:-

“We order that if in future any separate line/feeder is required to be installed for the apartments of the applicants, then the applicants shall be under legal obligation to pay the money for that line/feeder on the strength of estimate if at all prepared and claimed by the respondents and this award shall not be a bar for the respondents to claim the amount afresh.”

Learned counsel for the petitioner has submitted that respondent No. 1 had applied for 11 K.V. line/feeder of the apartments for he had deposited the amount of ₹20,57,368/- but due to some technical difficulties, said feeder/line could not be provided and respondent No. 1 was provided electricity from another 11 KV line/feeder after asking him to pay ₹2,33,000/-. Since, respondent No. 1 was not provided with the independent feeder for which he had deposited the huge amount, therefore, he had asked for refund of the amount after deducting the amount charged by the petitioner-Corporation for providing the electricity from 11 KV line / feeder which was installed somewhere else. Since, the said amount was not refunded, therefore, an application under Section 22 (c) of the Legal Services Authorities Act, 1987 was filed by respondent No. 1 before the Permanent Lok Adalat, wherein it was found that respondent No. 1 is legally entitled to the said refund because the purpose for which the amount was given was not achieved. Rather, the purpose has been achieved somewhere by paying the lesser amount.

Learned counsel for the petitioner has submitted that the amount deposited by respondent No. 1 may not be refunded to him because respondent No. 1 has already disposed off the apartment and the said amount which he had deposited was collected from the apartments' owners.

I am not impressed with the arguments raised by the learned counsel for the petitioner-Corporation because the later part of the order, which is under challenge, categorically provides that the petitioner would provide electricity only after taking the requisite amount from the person who has applied for the electricity.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

September 11, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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