

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

**CWP No. 2629 of 2018
Date of Decision: 6.2.2018**

M/s Barnala Realtech

.....Petitioner

v.

Punjab State Power Corporation Limited and othersRespondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Karan Singla, Advocate, for the petitioner

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order passed by the Permanent Lok Adalat (PUS), SAS Nagar, by which an application filed by the petitioner under Section 22C of the Legal Services Authority Act, 1987 (for short 'the Act') against the recovery of Rs.5,20,150/-by the Punjab State Power Corporation Limited (for short 'the Corporation') on account of inflated bill for the month of November 2015 was dismissed.

The facts given to me are that the petitioner is holding a temporary electricity connection bearing Account No. Z74ZT002985X and a Meter No. 1199483 was installed in its premises. The petitioner received the bill of Rs.5,20,150/-issued on 14.12.2015 for the month of November 2015 which was to be paid by 29.12.2015 for consuming 38310 units of electricity. It is submitted that the meter was burnt on 19.10.2015, therefore, it was not showing any consumption, however, the petitioner moved the application for its replacement. The meter was replaced in the month of October 2015 itself.

The petitioner also received a bill on 14.3.2016 of an amount of Rs. 9,30,073/-

for the months of November and December 2015. The petitioner deposited Rs.4 lakhs as it was disputing the amount of Rs.5,20,150/-. On account of non payment of the entire amount asked for by the Corporation, the electricity connection was disconnected. The petitioner challenged the order of excess billing before the Chief Engineer, South, PSPCL, Patiala, which is a statutory body. Since, the dispute raised by it was not being decided in one way or the other and the electricity connection was disconnected, therefore, the petitioner approached this Court vide CWP No.19045 of 2016. The said writ petition was withdrawn on 15.9.2016 on the ground that the petitioner is having equally efficacious alternative remedy. Consequently, the petitioner filed an application before the Permanent Lok Adalat. The said application was dismissed on merits.

The learned counsel for the petitioner has not denied that the application filed before the Chief Engineer, South, Patiala is still pending.

At the threshold, learned counsel for the petitioner has been asked to show as to how the application under Section 22C of the Act is maintainable.

Section 22C (2) of the Act, provides that any party to a dispute, may make an application to the Permanent Lok Adalat for the settlement of dispute, if it is not disputed before any other Court. Learned counsel for the petitioner has submitted that the application under Section 22 C of the Act was filed only under the threat of disconnection of electricity though the statutory remedy, availed by the petitioner was still pending.

Learned counsel for the petitioner has, thus, prayed for withdrawal of this petition in order to file appropriate writ petition for a direction to decide the matter pending before the competent authority.

After hearing learned counsel for the petitioner and in view of the

facts and circumstances stated above, the present petition is hereby dismissed as withdrawn with liberty aforesaid.

(RAKESH KUMAR JAIN)
JUDGE

6.2.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No