

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9377 of 2014
Date of Decision: 19.07.2018

UTTAR HARYANA BIJLI VITRAL NIGAM LTD. (UHBVNL), ROHTAK
....Petitioner

VS.

THE PERMANENT LOK ADALAT FOR PUBLIC UTILITY SERVICES,
ROHTAK AND ANOTHER
...Respondents

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

Present: Mr. B.S. Rana, Senior Advocate, with
 Ms. Divya Bajaj, Advocate,
 for the petitioner.

 Ms. Varsha Gupta, Advocate,
 for Mr. Sumeet Goel, Advocate,
 for the respondent No. 1.

 Mr. Abhimanyu Kalsy, Legal Aid Counsel,
 for respondent No. 2.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has challenged the order dated 02.09.2013 passed by the Permanent Lok Adalat (PUS), Rohtak by which application filed under Section 22 (c) of the Legal Services Authorities Act, 1987 (hereinafter referred to as 'the Act'), by respondent No. 2 has been allowed on merits.

Learned senior counsel for the petitioner has submitted that since, respondent No. 2 was served with a notice under Section 135 of the Act, therefore, the Permanent Lok Adalat could not have taken upon it the adjudication on merits of the complaint in terms of Section 22 (C) 8 of the Act.

In this regard, he has referred to a decision of this Court rendered in the case of "Dakshin Haryana Bijli Vitran Nigam Ltd. and Another Vs. Permanent Lok Adalat, Public Utility Services, Gurgaon and

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Another” ;2016 (2) PLR 634 and also a decision of the Hon’ble Supreme Court rendered in the case of “Bar Council of India Vs. Union of India” ;2012 (8) SCC 243 in which it is held that the Permanent Lok Adalat cannot adjudicate a dispute which relates to an offence. It is submitted that violation of Section 135 of the Act is an offence as the petitioner has the right to register an FIR against the consumer who is found indulging in the theft of electricity.

Learned counsel for the respondents could not cite law to the contrary and therefore, the present petition is hereby allowed and as consequence thereof, impugned order dated 02.09.2013 is set aside.

July 19, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No