

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

RSA No. 1234 of 2011 (O&M)

Date of decision: 22.02.2018

Punjab State Electricity Board and Another

..Appellants

Vs.

Bachan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Binat Sharma, Advocate
for Mr. P.S. Mattewal, Advocate for the appellants.

Mr. Ramesh Sharma, Advocate for the respondent.

AJAY TEWARI, J.(ORAL)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit filed by the respondent. The case of the respondent was that he had applied for tubewell connection on 31.12.1979 which was released on 26.09.1987 and he paid electricity charges upto March 1997. Thereafter, the Punjab Government exempted the payment of power charges for farmers till October 2002 but w.e.f. November 2002 power charges were reintroduced for farmers and thereafter again the respondent started paying the bill. However in October 2003 he received a letter whereby he was asked to submit the proof of his obtaining electric connection from the appellants, otherwise his account was ordered to be closed and he was also directed not to deposit any electric charges further, and he was free to get back the amount already paid by him. The instant suit was filed claiming that with the passage of time he had lost the original

electricity connection papers, he could not be forced to again prove the same.

In the written statement, the case of the appellants was that a demand notice was sent to him but the connection could not be released because he never deposited the charges. Thereafter for some strange reason he forged a pass book and started depositing money in the account of the Board and when it was discovered, the notice was issued to him. Both the Courts below held that preponderance of probability lay in favour of the respondent and decreed the suit and that is how the appellants are before this Court.

Learned counsel has argued that the connection which was supposed to be released to the respondent, was released to one Meeta Singh and further that the respondent did not appear in the witness box but his attorney appeared who did not have the knowledge of the facts and consequently could not have deposed and to that effect there is a catena of Judgments. The issue before this Court, however, is whether the stand taken by the appellant has any credibility? When I asked learned counsel as to how the respondent was able to deposit the money, he states that it was in connivance with some petty officials. If this was so, the appellant Board would have definitely lodged an FIR instead of sending this strange notice whereby the respondent was advised to recover all the money which was deposited by him. This Court cannot turn blind eye to the fact that even as per the appellants two connections have been released against the same number and consequently there is possibility that the connection issued to Meeta Singh may have been released in connivance with him.

The appeal is dismissed.

Since the main case has been decided, the pending civil
misc. application, if any, also stands disposed of.

February 22, 2018

Poonam (II)

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No