

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

RSA No.6582 of 2016 (O&M)

Date of decision:30.05.2018

Radha Kishan Sharma

... Appellant

Vs.

Uttari Haryana Bijli Vitran Nigam Limited Narwana ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Dheeraj Jain, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.17216-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 59 days in re-filing the appeal is condoned.

C.M. stands disposed of.

C.M.No.17217-C of 2016

Deficiency of the court fee has been made good.

C.M.stands disposed of.

RSA No.6582 of 2016 (O&M)

The appellant-defendant has not been successful in defending the suit for recovery of ₹47079/-, filed by the Uttari Haryana Bijli Vitran Nigam Limited (in short “UHBVNL”) claiming the outstanding amount including the surcharge.

The suit was filed on the premise that the appellant-defendant despite being an employee of the Department did not pay the bills of electricity consumed. Accordingly, the electricity connection of the defendant was shown as PDCO on 29.4.2010 due to non-payment of the electricity bills. The appellant-defendant challenged the amount of electricity bill in District Consumer Redressal Forum, Jind, vide complaint No.86 dated 11.2.2010 but the same was dismissed, vide order dated 1.4.2010. Despite having requested the defendant to pay the consumption bills, he did not adhere to the request, therefore, the suit was filed.

The appellant-defendant contested the suit by taking the benefit of office order of Electricity Board dated 6.6.1995, whereby, there was waiver of electricity consumption charges upto 160 units bi-monthly and that benefit had not been granted to him.

Since the parties were at variance, the trial Court framed as many as five issues including the issue of Relief. Both the parties led evidence in support of their respective claims. On the basis of evidence, the trial Court decreed the suit and appeal laid before the Lower Appellate Court was also dismissed.

Mr. Dheeraj Jain, learned counsel for the appellant-defendant submits that there is gross illegality and perversity in the findings of facts and law arrived at by the Courts below as there was no reference of the applicability of office order of 1995 but focus of the Court below had been on the application of circular of 2005 which erroneously was not applicable to the case of the appellant. The interest of the appellant-defendant was on

the waiver of 160 units, therefore, the amount raised in the bills was considerably liable to be reduced or waived off. Having not succeeded before the District Consumer Redressal Forum, would not take away the right of the appellant in not taking the benefit of office order of 1995.

I have heard the learned counsel for the appellant-defendant, appraised the impugned judgments and decrees of the Courts below and of the view that there is no force and merit in the submissions of Mr. Jain, for, defendant had not been able to place on record any material to show that department had been giving the benefit of waiver to the employees, who were in default, for, scheme was not applicable to Nigam employees, thus, attempt of taking advantage of aforementioned office order is devoid of merit and the same is hereby rejected.

Concededly, the aforementioned demand remained in operation by the department despite having lost before the District Consumer Redressal Forum, therefore, rightly sought the recovery of aforementioned amount. In the absence of applicability of said office order, defendant had no other defence, for, circular of 2005 also did not extend any benefit to the employees.

The arguments of Mr.Jain, have not been able to bring the case within the realm of illegality and perversity, warranting interference in the concurrent findings of facts and law which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

May 30, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No