

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

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**CM-4072-C-2017 in/and
RSA-1695-2017 (O&M)
Date of Decision : 21.09.2018**

M.R.C.R. Public School, Jind

..... Appellant

Versus

Uttri Haryana Bijli Vitran Nigam Limited

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sandeep Lather, Advocate
for the appellant.

AJAY TEWARI, J. (ORAL)

CM-4072-C-2017

For the reasons recorded, the application is allowed. Delay of 43 days in refiling the appeal is condoned.

RSA-1695-2017 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant where it had challenged the report and a notice.

Brief facts of the case are that the premises of the appellant -school were checked by the staff of the respondent – Uttri Haryana Bijli Vitran Nigam Ltd. on 17.05.2010. It was found that there was a heavy power magnet was affixed on the face of meter for stopping the working of meter which was apparently a theft of electricity and then checking report was prepared and the notice was issued to the appellant.

Admittedly, the appellant first filed a complaint before the Consumer

Forum, Jind. The complaint having been dismissed the appellant approached the State Consumer Disputes Redressal Commission but the same was dismissed as withdrawn with liberty to approach the civil court. Therefore, the present suit was filed. The main ground of challenging the report and a notice was that the checking was done in absentia. Both the courts below found that the officials of the respondent had conducted the checking and had taken photographs and rather videographed it and at that time many staff members of the appellant-school were present and in fact that is why the appellant's concerned person went to the office on the next day and paid the charges. The allegation that no opportunity was given to it is also meaningless because there is no bar in making the payment under protest and filing objections. I find no reason why any such action was not taken.

In the totality of circumstances, I am not persuaded that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

September 21, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No