

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5660 of 2014 (O&M)

Date of Decision : 26.02.2018

Parkash Devi

..... Appellant

Versus

Punjab State Electricity Board, Patiala and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. G.L.Bajaj, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM No.13451-C-2014

For the reasons recorded, the application is allowed. Delay of 6 days in filing the appeal is condoned.

CM No.13452-C-2014

The Collector, Bathinda is directed to collect the deficient court fee amounting to Rs.1258.20 from the appellant-Parkash Devi. CM stands disposed of.

RSA-5660-2014

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

The appellant had challenged a bill dated 30.03.2009 demanding sum of Rs.28,319/- as energy charges. In a checking held in 2002, it was found that there were two adjoining houses and the owner of

neighbour and consequently, penalty was sought to be levied for this illegal connection. Apparently the appellant and his family purchased that house. Earlier also when the respondents-PSEB raised a demand first the brother of the appellant challenged that bill which stood due towards the connection No.TS18/155. Ultimately that suit was dismissed in 2007. Thereafter the respondents-PSEB again demanded the amount and on this occasion the appellant filed the instant suit. Both the Courts having dismissed the same this appeal has been filed.

The only argument raised by the learned counsel is that in terms of Section 56 clause 2 of the Electricity Act, 2003 (for short 'the Act') the respondents-PSEB were not entitled to recover the due amount since it was more than 2 years old. Both the Courts have considered this precise argument and held that the appellant could not rely on this clause because earlier his brother and then he had stalled the recovery. Both the courts also found that the condition embodied in Section 56 clause 2 of the Act that the sum has been shown as recoverable was not disproved by the appellant.

In the circumstances, no fault can be found with the judgments of the Courts below.

Appeal is dismissed. No costs.

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

(AJAY TEWARI)
JUDGE

26.02.2018

Pooja sharma-I

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