

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.960 of 2017 (O&M)

Date of Decision: November 26, 2018

Balkar Singh

...Appellant

Versus

Punjab State Power Corporation Ltd. & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Avtar Singh Khinda, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been successful before the trial court and as well as Lower Appellate Court in a suit claiming declaration challenging the demand of ₹ 72,902/- and ₹ 25,920/- vide memo No.675 dated 04.09.2012 issued by the Punjab State Power Corporation Ltd.

It was alleged that the plaintiff had been using the electricity in the premises installed with connection bearing No.X24KR240660Y. The department had, in the absence of the plaintiff, checked the electric meter and submitted a demand dated 04.09.2012 of ₹ 72,902 and ₹ 25,920/- nor was associated in the proceedings when the meter was being checked in M.E.Lab.

The defendants opposed the suit by stating that the meter was removed, packed and sealed with the signatures of Baldev Singh, representative of the plaintiff. In the M.E.Lab, the team comprising of Addl.S.E.Enforcement, Kapurthala, SDO M.E.Lab Jalandhar, SDO Sub Divisional Nadala checked the meter and found the seal bearing signatures

of Baldev Singh. It was also found that there was tempering of the M&T seals. On internal checking of outer screws of the meter, it was found that the plaintiff had broken the ultra sound welding of the meter and supported the demand.

Mr. Avtar Singh Khinda, learned counsel representing the appellant- plaintiff submitted that the defendants had not been able to prove Ex.D6 as the plaintiff did not have any employee in the name of Baldev Singh. The onus was heavily relied upon the defendants which remained undischarged, as in the testimony of DW-1, it surfaced that there was no record with regard to the statement of Baldev Singh. In such circumstances, the demand was liable to be quashed as checking was done at the back of the consumer.

I am afraid, the aforementioned argument is not sustainable, for, except bald statement of plaintiff, no other witness from the locality or record of employment has been examined to establish that he had no helper by the name of Baldev Singh. In such circumstances, the courts have rightly drawn an adverse inference. In other words, Ex.D6 had gone un-rebutted and un-conroverted.

For the reasons mentioned above, I do not find any illegality or perversity in the concurrent findings under challenge. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 26, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No