

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 117

RSA-6492-2018 (O&M)

Date of decision : 07.12.2018

UHBVNL and others

..... Appellants

VERSUS

Anil Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R. D. Bawa, Advocate, and
Mr. Rohit Sharma, Advocate, for the appellants.

DEEPAK SIBAL, J. (ORAL)

The respondent filed a suit seeking therein a declaration to the effect that bill dated 22.12.2013 served upon him by the appellants/defendants contained sundry charges to the tune of ₹60,786/- which according to him were illegal. Mandatory injunction for the issuance of a direction to the appellants/defendants was also sought to refund the aforesaid amount alongwith interest as the same had been deposited by the respondent under protest.

The case set up by the respondent before the Trial Court was that he was a consumer of electricity being supplied by the appellants/defendants and was regularly paying his bills. Suddenly, he received a bill dated 22.12.2013 which included arrears payable by him which according to him could not have been demanded as no charges for the electricity consumed by him were due. For non-payment of the aforesaid charges since the appellants/defendants were threatening to disconnect the respondent's electricity connection, he filed the suit. On being put to notice, the appellants/defendants appeared before the Trial Court and refuted the claim set up by the respondent. It was submitted that after the accounts of the respondent were audited it was found that an amount of ₹60,786/- was due towards him which was demanded through the bill impugned by the respondent. After sifting the evidence led

by both the parties, the suit of the respondent was decreed by the Trial Court

through judgment and decree dated 06.08.2015. The appellants challenged the aforesaid judgment and decree passed by the Trial Court which was dismissed by the Appellate Court on 05.07.2018. It is in these circumstances that the present second appeal has been filed.

Learned counsel for the appellants has been heard.

It is not disputed by learned counsel for the appellants that the impugned demand being claimed from the respondent in the year 2013 pertained to the year 2007-08; no prior notice was given to the respondent by the appellants before charging the aforesaid amount in the bill impugned by the respondent and that no basis was available on the record as to why the respondent's account had been overhauled.

In view of the above as also as per Section 56(2) of the Electricity Act, 2003 which provides that no arrears can be recovered from any consumer after a period of two years if they are not continuously shown in his bills as arrears due from him, no interference is warranted in the concurrent findings arrived at by both the Trial Court as also the Appellate Court.

No question of law much less any substantial question of law is also found to arise in the present appeal.

Dismissed.

07.12.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No