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

**Civil Revision No.8747 of 2017
Date of Decision: 20.08.2019**

**MUNICIPAL COMMITTEE,KAPURTHALA
.....Petitioner**

Vs

**PSPCL AND OTHERS
....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. G.S. Attariwala, Advocate
for the petitioner.

Mr. Sehajbir Singh, Advocate
for the respondents-PSPCL.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 28.11.2017 passed by the Addl. District Judge, Kapurthala, whereby disconnection of electricity was ordered to be stayed subject to payment of 1/3rd amount of the electricity amount.

[2]. Brief facts are that Municipal Committee, Kapurthala filed a suit for declaration to the effect that memo received by it in the context of payment of Rs.49.53 Lakhs issued by the defendants i.e. functionaries of Punjab State Power Corporation Limited on the basis of alleged memorandum of inspection was

illegal, null and void.

[3]. The suit was dismissed vide judgment and decree dated 29.09.2017 passed by the Addl. Civil Judge (Sr. Divn.) Kapurthala.

[4]. In the appeal filed before the lower Appellate Court, disconnection of the electricity was stayed subject to payment of 1/3rd amount of electricity bill vide the impugned order.

[5]. Feeling aggrieved against the aforesaid rider placed by the lower Appellate Court, the petitioner ventured to file the present revision petition.

[6]. At the time of issuance of notice of motion on 13.12.2017, payment beyond Rs.20 lakhs was ordered to be stayed. Contention of learned counsel for the petitioner was that the amount was to be re-assessed by the respondents-Corporation in view of letters Ex.P-14 and Ex.P-16 on record, wherein electricity connections were not found to be working properly since 2007 onwards.

[7]. It is not in dispute that the petitioner has already deposited the amount of Rs.20 lakhs with the respondents-Corporation vide receipt No.6874413 dated 26.12.2017.

[8]. The aforesad factual position is admitted by learned counsel for the respondents.

[9]. If the calculations are made, the 1/3rd of the amount of

electricity bill as per order dated 28.11.2017 passed by the lower Appellate Court would come out to be less than Rs.20 lakhs which has already been deposited by the petitioner.

[10]. In view of aforesaid factual position, nothing survives in this revision petition, the same is disposed of. However the lower Appellate Court shall decide the appeal in accordance with law.

August 20, 2019

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No