

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-6219-2019 (O&M)
Date of Decision: 08.03.2019

Uttar Haryana Bijli Vitran Nigam
Limited & others

--Petitioners

Versus

Permanent Lok Adalat & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.K. Longia, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

The Uttar Haryana Bijli Vitran Nigam Ltd. has filed the instant writ petition assailing the award dated 18.12.2018 rendered by the Permanent Lok Adalat (Public Utility Services), Sonapat and in terms of which directions were issued to the Nigam to correct the electricity bill of the applicant/respondent no.2 herein and by deducting a sum of Rs.58,224/- and to waive interest/penalties thereupon. Further a sum of Rs.11,000/- has been directed to be paid as compensation.

Counsel for the Nigam has been heard at length and pleadings on record have been perused.

Brief facts and which are not in dispute may be noticed.

Respondent no.2 herein filed an application under Section 22 C of the Legal Services Authorities Act, 1987 by asserting that he was the user of a domestic electricity connection bearing no. RS-18/1177 and which stood in the name of his late father. Respondent no.2 further contended that he was regularly paying the electricity bills raised by the Nigam but he had received a bill bearing no.253 dated 4.4.2017 amounting to Rs.1,99,530/- and out of which a sum of Rs.64,007/- was reflected as arrears as per audit report for the period 2011-2012. Grievance portrayed by the

applicant/respondent no.2 before the Permanent Lok Adalat was to the effect that the bill amount pertaining to arrears in question is illegal and without authority of law.

The Permanent Lok Adalat while passing the impugned award dated 18.12.2018 has upheld the contention raised on behalf of respondent no.2.

Relevant extract of Section 56(2) of the Electricity Act, 2003 is in the following terms:-

“no sum due from any consumer, shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied...”

Counsel is not in a position to controvert that the sum towards electricity bill sought to be recovered from respondent no.2 towards arrears was beyond the period of two years as contemplated under Section 56(2) of the Act.

In such view of the matter, no infirmity is found in the impugned award dated 18.12.2018.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.03.2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No