

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

**CWP-9633-2019 (O&M)
Date of Decision:10.04.2019**

Uttar Haryana Bijli Vitran Nigam Ltd. & another ... Petitioners

Versus

Sh. Ram Bhaj Aggarwal & another ... Respondents

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

Present: Mr. R.S. Longia, Advocate for the petitioners.

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TEJINDER SINGH DHINDSA, J. (ORAL)

The Uttar Haryana Bijli Vitran Nigam, Limited has filed the instant writ petition raising a challenge to the award dated 05.10.2018 passed by the Permanent Lok Adalat (Public Utility Service), Rohtak (Annexure P-3) and in terms of which an application moved by respondent No.1 under Section 22-C of the Legal Services Authorities Act, 1987 has been dealt with and the Nigam has been directed to refund an amount of Rs.510/- along with 9% simple interest per annum w.e.f. 17.06.2016 till realization apart from paying a compensation amount of Rs.5000/- for causing harassment to the applicant (respondent No.1 herein).

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

Certain facts on which counsel does not raise any dispute may be noticed at the outset.

Respondent No.1, namely, Ram Bhaj Aggarwal made an application on 17.06.2016 for release of a domestic supply electricity

connection in the premises described as 1370 A/25, Shivan Enclave, Ghanipura, Rohtak. Along with application, the applicant deposited the requisite fee amount of Rs.510/-. Apparently, the domestic supply connection was not released by the Nigam for the reason that the earlier occupant of the premises in question was a defaulter. Counsel would admit that the petitioner/Nigam had entered into a settlement with the previous occupant namely, Shri Pankaj Bansal. In the meantime, in the year 2017, respondent No.1 herein was called upon by the Nigam to deposit the enhanced application amount of Rs.2060/-. Respondent No.1 filed a fresh application on 24.08.2017 by depositing the prevalent fee of Rs.2060/-.

Grievance raised by respondent No.1 before the Permanent Lok Adalat was to the effect that the electricity connection applied for as per the initial application dated 17.06.2016 has not been processed inspite of deposit of the requisite fee of Rs.510/- and accordingly he be compensated.

As has been noticed herein above vide impugned award dated 05.10.2018 directions had been issued to the respondent/Nigam for refund of the previous fee of Rs.510/- along with interest @ 9% per annum as also compensation amount of Rs.5000/-.

Mr. R.S. Longia, Advocate for the Nigam would vehemently argue that it is only on account of non deposit of the settled amount by the previous occupant of the premises that the electricity connection for domestic supply had not been released in favour of respondent No.1 and under such circumstances, the view taken by the Permanent Lok Adalat of having caused harassment to respondent No.1 is not well founded.

In the considered view of this Court, the award dated

05.10.2018 (Annexure P-3) does not suffer from any infirmity.

Concededly, respondent No.1 had submitted an application for release of a domestic supply electricity connection on 17.06.2016 and had deposited the prevalent fee @ Rs.510/-. For no fault of respondent No.1, such application had been kept pending. Under such circumstances, there was no justification on the part of the Nigam to have called upon respondent No.1 to deposit the enhanced/revised application amount of Rs.2060/- in the year 2017. Be that as it may, respondent No.1 faced with a situation where the electricity connection was not being released, submitted a fresh application dated 24.08.2017 by making the deposit of Rs.2060/-.

Under such circumstances, the Permanent Lok Adalat has rightfully directed a refund of the initial deposit/application fee of Rs.510/- that was made in June, 2016 along with interest @ 9% per annum.

The submission made by counsel as regards the compensation amount of Rs.5000/- awarded by the Permanent Lok Adalat is also without merit. In the present case, conciliation proceedings had taken place and in pursuance to which an assurance had been held out on behalf of the Nigam before the Permanent Lok Adalat that the connection would be released upto the next date of hearing i.e. 13.09.2017. Interim directions to the same effect were made by the Permanent Lok Adalat. In spite thereof, the Nigam did not release the connection and it was only on 30.10.2017 that a demand notice was served and electricity connection was actually installed on 09.11.2017. The sequence of facts and circumstances of the case are reflective of undue harassment and delay on the part of Nigam in releasing the connection. The meagre amount of Rs.5000/- towards compensation as such does not call for

any intervention.

For the reasons recorded above, the instant writ petition is found to be bereft of merit and is dismissed.

10.04.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |