

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

CWP No.24334 of 2014 (O&M)
Date of decision : 26.03.2019

Punjab State Power Corporation Limited.

...Petitioner

Versus

Deputy Commissioner, Faridkot and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.Vivek Sharma, Advocate
for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

ARUN MONGA, J. (ORAL)

The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari to quash an award dated 12.09.2013 **(Annexure P-4)**, passed by the Permanent Lok Adalat for Public Utility Services, Faridkot, whereby the proposed settlement has been made an award.

2. The lead contention of the petitioner/Power Corporation is that the Permanent Lok Adalat had no jurisdiction to render the impugned award, as the dispute is totally covered by Section 126 of the Electricity Act, 2003, and therefore, the consumer/Deputy Commissioner, Faridkot ought to

have sought its remedy under the Electricity Act, *ibid*.

3. On merits, learned counsel for the petitioner contends that the impugned award has been rendered without appreciating the evidence on record, merely on the ground that the Power Corporation declined to accept the proposed settlement.

4. I have gone through the rival pleadings and heard the learned counsel for both the parties and I am of the view that as far as the objection of the learned counsel for the petitioner qua the jurisdiction of the Permanent Lok Adalat is concerned, the same is no more *res-integra* in view of a single bench judgment rendered by this Court in **Magma HDI General Insurance Cl. Ltd. Versus Ashok Kumar (P&H)**, reported as **2016(1) PLR**

42. I am in respectful agreement with the said judgment, wherein, it has been held that under Section 22A of the Legal Services Authorities Act, 1987, Punjab State Power Corporation being a 'public utility service' is vested with the jurisdiction to deal with any matter pertaining to the services rendered by it.

5. However, I am in agreement with the contention of learned counsel for the petitioner that the impugned award has been rendered without properly going through the evidence adduced on record, in a very summary manner, as is reflected from its concluding paragraphs extracted herein below:-

“19. Today Sh. Rameshwar Supdt. Grade-I representative of the claimant accompanied by Sh. Rajiv Chaudhary Government Pleader has made a statement separately recorded that

proposed settlements acceptable to the applicant on the other hand learned counsel for the respondent Sh. M.S Brar stated that proposed settlement is not acceptable to the respondent.

20. We have accordingly again heard the detailed arguments of learned counsel for both the parties and have also gone through the evidence available on file and have also discussed the matter between ourselves. Learned counsel for both the parties have raised similar and identical contentions which were raised by them at the time of proposing the settlement. These contentions have already considered at the time of proposing the settlement. Accordingly we do not find any reason or ground to make any change or alteration in the proposed settlement. In our view proposed settlement deserves to be made an award. Award is accordingly passed in terms of proposed settlement.

6. A careful perusal of the above shows that the learned Permanent Lok Adalat, indeed got swayed with the fact that the Power Corporation since did not accept the proposed settlement and, without recording proper reasons of non-appreciation of evidence adduced, therefore, converted the proposed settlement into an award.

7. In this view of the matter, the impugned award does not stand judicial scrutiny and being untenable and is hereby set aside. The writ petition is disposed of with a direction to respondent No.2/Permanent Lok Adalat, to hear both the parties again and pass an award on merits, after going through the evidence on record.

8. The writ petition is accordingly disposed of.

26.03.2019

rakesh

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No