IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23810-2015 (O&M)
Date of Decision:-11.03.2019.

Garry and Garry Foreign Trade Pvt. Ltd. and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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Present: None for the petitioners.

Ms. Ambika Sood, DAG, Punjab.

Mr. Karan Rana, Advocate for
Mr. Pankaj Jain, Advocate for respondent No.2.

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ARUN MONGA, J. (Oral)

Neither anyone appears on behalf of the petitioners nor any request for either pass over or adjournment has been made. The order sheet reflects that, even on 13.04.2018, when the matter was taken up for hearing, none appeared for the petitioners and it was adjourned to 13.07.2018. On 13.07.2018, the turn of the case did not come and it was adjourned to 12.11.2018 and once again its turn did not come and it was adjourned for today i.e. 11.03.2019.

2.) I would like to observe that I have perused the impugned award dated 09.07.2015 (Annexure P-1) passed by the learned Permanent Lok Adalat, Roopnagar and I do not find any illegality in the same. I am in

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agreement with the argument of learned counsel for respondent No.2 that the impugned award is fairly well reasoned and does not require any interference by this Court. The main premise of challenge in the award by the petitioner is that the Permanent Lok Adalat is not empowered to pass an *ex parte* award. The same question has been answered in affirmative by the High Court of Orissa in writ petition No.12891 of 2012 titled as ***"Executive Engineer Electrical Vs. Chairperson, Permanent Lok Adalat (P.U.S.) and another"***. The relevant thereof is extracted hereinbelow:-

> *"25. In view of the above, this Court is of the opinion that the PLA has been set up for providing compulsory pre-litigative mechanism for conciliation and settlement in cases relating to public utility services. Even in absence of consent in writing by parties, i.e., where the parties failed to reach an agreement under sub-section (7) of Section 22-C, the PLA has power/jurisdiction/authority to decide the dispute between the parties on merit in exercise of power conferred under sub-section (8) of Section 22-C of the Act, 1987. Thus, in case the respondent does not appear/cooperate despite sercvice of notice issued by the PLA on an application being made to it for settlement of issues, the PLA has the power and jurisdiction to pass an award on merit as provided under Sub-section (8) of Section 22C of the Act. Therefore, before passing the order under sub-section (7) or (8) of Section 22C of the Act, 1987, the PLA shall formulate the terms for possible settlement on the dispute and give/serve the same on the parties concerned for their observation, as the case may be. The PLA has power to enforce the attendance of the parties through process of Court."*

3.) I am in agreement with the view taken by the Orissa High Court

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in the judgment supra and, accordingly, I am of the view that no interference is warranted by this Court in the present proceedings.

4.) Writ petition is dismissed accordingly.

(ARUN MONGA)
JUDGE

March 11, 2019.
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Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.

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