

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6657-2016

Date of Decision:-11.09.2019.

Punjab State Power Corporation Ltd. and another

.....Petitioners

Versus

Jagdish Rai and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

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Present: Ms. Meena Bansal, Advocate for the petitioners.

None for the respondents.

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**RAJIV NARAIN RAINA, J. (Oral)**

1. On 08.04.2016, notice of motion was issued by passing the following order:-

*“Learned counsel for the petitioners contends that earlier respondent No.1 availed all the remedies available to him in accordance with law under the provisions of the Indian Electricity Act and after failing in those proceedings, respondent No.1 approached the Permanent Lok Adalat (Public Utility Services), Bathinda. The jurisdiction of Permanent Lok Adalat (Public Utility Services) is barred.*

*Notice of motion for 19.07.2016.”*

2. Respondent-Jagdish Rai was served on the petition as per office note dated 16.07.2016. He put in appearance through counsel Mr. Yogesh

Kumar, Advocate who even after a number of appearances has not filed

reply despite taking time to do so. Lastly, on 26.03.2019, he was given time to file reply a week before the adjourned date i.e. 11.09.2019 with an advance copy to the learned counsel for the petitioners. But he has failed to do so. In these circumstances, the first respondent has forfeited his right to file written statement and his right of defence is struck off.

3. Applying the principle of non-traverse of the petition given that it is against *quasi-judicial* determination by the Permanent Lok Adalat (Public Utility Services), Bathinda, which authority had no jurisdiction to entertain the application filed by respondent No.1 having availed his statutory remedies as permitted under the provisions of the Indian Electricity Act, 2003. He failed in those proceedings. The Public Utility Services was not meant to override decisions taken by statutory authorities within their jurisdiction in view of Section 22-C of the Legal Services Authority Act, 1987. It is well settled that the Permanent Lok Adalats are meant for amicable settlement of disputes and not to don the robes of adjudicating authorities. In view of the above, impugned order dated 10.07.2015 (P-7) is quashed.

4. Accordingly, the petition is allowed.

(RAJIV NARAIN RAINA)  
JUDGE

**September 11, 2019.**

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.