IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1867 of 2020
Date of decision: 22.05.2020

M/s Jai Durga Industries

......Petitioner

V/s.

Uttar Haryana Bijli Vitran Nigam Limited and others

.......Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rajiv Agnihotri, Advocate, for the petitioner.

Mr. Sharad Agarwal, Advocate, for the respondent.

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Sanjay Kumar, J

The petitioner is the plaintiff in Civil Suit No. 545 of 2017, titled 'M/s Jai Durga Industry Vs. SDO, UHBVNL and others', on the file of the learned Civil Judge (Junior Division), Sonipat. The issues raised by the petitioner/plaintiff therein relate to its electricity connection, bearing Account No.RF6/51, with the respondent/defendant company. The petitioner/plaintiff also filed an application in the suit under Order 39 Rules 1 and 2 CPC *vis-à-vis* payment of the electricity bills generated against it by the respondent/defendant company.

By order dated 21.05.2018, the learned Civil Judge (Junior Division), Sonipat, granted an interim injunction as prayed for. Aggrieved thereby, the respondent/defendant company preferred an appeal in CMA No. 72 of 2018 before the learned Additional District Judge at Sonipat. The said appeal was disposed of by the appellate Court, *vide* order dated 18.02.2020. Therein, the appellate Court took note of the stand of the petitioner/plaintiff that it was liable to pay for the electricity consumed by it at the rate of Rs. 6.65 Paise per unit and Rs. 180 per KVA and not at the enhanced rate of Rs. 6.95 Paise per unit and Rs. 190 per KVA. The appellate Court further noted that the order of the trial Court did not even require the petitioner/plaintiff to pay the admitted dues, inasmuch as a blank injunction had been granted. The appellate Court accordingly directed the petitioner/plaintiff to pay the electricity bill dated 12.09.2017, calculating the amount payable for the units at the rate of Rs. 6.65 Paise per unit and the tariff for minimum charges/fixed charges at Rs.180 per KVA. The appellate Court further directed that the petitioner/plaintiff should continue to make payment of the electricity bills at the same rate pending disposal of the suit.

Mr. Rajiv Agnihotri, learned counsel for the petitioner/plaintiff, would state that his client's electricity connection has been disconnected and that it is not in a position to make the payment, as directed by the appellate Court, without proper bills being generated by the respondent/defendant company.

On the other hand, Mr. Sharad Agarwal, learned counsel for the respondent/defendant company, would inform this Court that his client already addressed Memo No. 3102 dated 25.02.2020 to the petitioner/plaintiff detailing the total outstanding amount due and payable by it in terms of the appellate

Court's order. Therein, the dues were reduced to Rs.3,65,64,982/- and the petitioner/plaintiff was called upon to deposit the same as soon as possible.

Mr. Rajiv Agnihotri, learned counsel, would however point out that the said Memo does not disclose as to how the respondent/defendant company went about quantifying the total amount due since 2017 and in the absence of such details, the petitioner/plaintiff would be put to irreparable prejudice.

Perusal of the Memo dated 25.02.2020 bears out that no details whatsoever were furnished therein as to how the reduced rates, in terms of the appellate Court's order, were applied to the units of electricity consumed by the petitioner/plaintiff since 2017 and how the minimum charges/fixed charges were calculated.

It would therefore suffice in the interest of justice and the interest of both parties if the respondent/defendant company furnishes such information to the petitioner/plaintiff, by way of fresh bill(s) covering the entire period. The fresh bill(s) shall give full particulars as to the mode and method in which the amount due has been quantified.

Mr. Rajiv Agnihotri, learned counsel, would further submit that given the present situation owing to the Corona Virus Pandemic, the financial position of the petitioner/plaintiff is not sound and that sufficient time may be granted to it to clear the dues, running into crores. This Court finds merit in this submission. The petitioner/plaintiff is accordingly granted two months to clear the entire dues in terms of the fresh bill(s) generated by the respondent/defendant company. 50% of the amount due and payable under such bill(s) shall be paid/deposited by the petitioner/plaintiff within one month from the date of receipt of such bill(s) and the balance 50% within one month thereafter. It shall be open to the petitioner/plaintiff to seek restoration of its electricity connection in accordance with the rules.

The civil revision is disposed of accordingly at the stage of admission with the consent of both the learned counsel.

No order as to costs.

(SANJAY KUMAR)
JUDGE

22.05.2020
rakesh

whether speaking/non speaking	*Yes/no*
whether reportable/non reportable	*Yes/no*