

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

RSA-2357-2018 (O&M)
Date of decision : 20.01.2020

Arvind Sharma

...Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Khatri, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below dismissing the suit for permanent injunction filed by the plaintiff restraining the defendants-Electricity Supply Company to disconnect the supply of electricity from the Account No.EEO1-1335 of Civil Lines, Sub Division, Hisar on the ground of non-payment of electricity dues.

At the outset, it must be noticed that the electricity connection has already been disconnected by the Power Supply Company. The defendants had taken a stand that the plaintiff is proprietor of M/s Agro Poultry Farm. The aforesaid poultry farm had not paid the electricity dues and defaulted, forcing the electricity supply company to transfer the defaulted amount to the other connection i.e. account in question belonging to the same consumer.

Both the Courts, on appreciation of evidence, have found that as per Section 2(49) of the Electricity Act, 2003, read with Instruction No.7.3 of the Sales Manual issued by the Electricity Department, such amount could be transferred and consequently recovered.

Learned counsel appearing for the appellant, has submitted that during the pendency of the present appeal, entire amount alongwith the interest as demanded has been deposited. He submits that he may be permitted to file the suit challenging the unreasonable levy of interest on the recovered amount.

This Court has considered the submission. The cause of action to file a fresh, if any, has arisen in favour of the plaintiff only on deposit of the amount. Therefore, no permission to file fresh suit is required. Hence, there is no ground to interfere.

Accordingly, the present appeal is dismissed.

20.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No