

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 196 of 2021 (O&M)

Date of Decision: 10.09.2021

Om Parkash and Another

... Appellant(s)

Versus

Dakshin Haryana Bijli Vitran Nigam, Faridabad

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jai Bhagwan Sharma, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The plaintiff/appellants assail the concurrent findings of the fact arrived at, by the subordinate Courts while dismissing their suit for declaration, mandatory injunction and permanent injunction as the consequential relief.

2. In essence, the plaintiffs have challenged the correctness of the electricity consumption bill issued to them by the Dakshin Haryana Bijli Vitran Nigam Limited, Faridabad (defendant). It has come on record that previously, the electricity connection was issued in the name of the father of the plaintiffs-late Sh. Charan Singh. On the plaintiffs' request, the connection was changed in the name of appellant No.2-Narvir Singh. Thereafter, the plaintiffs applied for the installation of a new meter in place of the old one. The same was allowed and the consumption of power in the old electricity meter is sought to be recovered.

the respondent-Nigam did not examine the official who had prepared the bill.

4. This Bench has considered the submissions. It is evident from the findings of the fact recorded that late Sh. Charan Singh was issued an electricity connection No. 1213107URD120622, which was later on assigned the new account No. 5978390000. Thereafter, on the application of the appellant No.2, the load was extended from 2 KW to 6 KW. Hence, a new electricity meter was installed. At the time of removal of the old electricity consumption meter, the final reading was 37763 units, but the plaintiffs paid the bill for 12232 units only. Now the electricity consumption of 25531 units, which remained unpaid, has been issued to the plaintiffs. The respondents have led evidence to prove that fact. In the considered opinion of this Bench, once the defendants have led sufficient evidence to prove that the bill has been correctly issued, mere non-examination of the official, who prepared the bill, cannot be made a basis to draw an adverse inference against the respondents.

4. Hence, no ground is made out to interfere. Consequently, the appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 10, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No