

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.446 of 2020

1. The South Bihar Power Distribution Company Limited through its Managing Director, Bailey Road, Vidyut Bhawan, Patna.
2. The Managing Director, South Bihar Power Distribution Company Limited, Bailey Road Vidyut Bhawan, Patna.
3. The Electrical Executive Engineer, New Capital PESU (W), South Bihar Power Distribution Company Limited, Patna.
4. The Assistant Electrical Executive Engineer, New Capital, PESU (W), South Bihar Power Distribution Company Limited, Patna.

... .. Petitioner/s

Versus

Sunderi Devi Wife of Sri Nirmal Prasad, resident of North Mandiri, Near Kali Mandir, New Capital, District Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Priya Ranjan (A S.C.) SBPDCL
For the Respondent/s : Mr.Priya Ranjan Prasad

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

5 04-07-2022 I have already heard the learned counsel for the petitioners as well as the learned counsel for the respondent.

Being aggrieved by the order dated 21.10.2019 passed by the Permanent Lok Adalat in Case No.25/2019, the present civil miscellaneous has been preferred by the petitioner South Bihar Power Distribution Company Limited.

The brief fact of this case is that the respondent Sunderi Devi filed a petition in Permanent Lok Adalat stating therein that she is an electricity consumer. Her consumer No. is



101345549 for 02 kilowatts. She is an old and infirm lady. Her house was closed from June, 2016 to June, 2018. She informed this fact to the Assistant Engineer, PESU, Sachivalaya on 12.02.2019. Despite the fact that her house was closed from June, 2016 to June, 2018, the Electricity Department provided her an electricity bill for Rs. 92173.04 in the month of June, 2018. The Permanent Lok Adalat, after taking into consideration the fact that the Meter Reader has himself reported that the premises was closed from the month of June, 2016 to June, 2018, vide impugned order, set off the late payment of Rs. 11129.86.

The learned counsel for the petitioner, relying upon a decision of this Court dated 03.11.2014 passed in *Mostt. Bibi Kitabani Nesha @ Bibi Kitabani vs. the State of Bihar and others* in *C.W.J.C. No.13730 of 2010*, has submitted that Permanent Lok Adalats/Lok Adalats have got no jurisdiction to entertain any suit or matter directly, unless it is referred by the competent court or competent authority. He has also relied upon an order of this Court passed in *Surendra Singh and others vs. Deo Muni Singh and others*, dated 24.10.2012, in *C.W.J.C. No. 13375 of 2011* and has submitted that the function of Lok Adalats/Permanent Lok Adalats are conciliatory one and not



adjudicatory. The Lok Adalat/Permanent Lok Adalat can pass orders only on the basis of compromise entered between the parties. He has submitted further that in the instant case, the Permanent Lok Adalat overreached its jurisdiction and undertaken the adjudicatory function.

The Lok Adalats are constituted under Section 19 of the Legal Services Authorities Act, 1987 (hereinafter referred to as 'the Act'). Section 20 of the Act makes provision about the cognizance of cases by Lok Adalats constituted under Section 19 of the Act. These provisions are being extracted herein below:-

“19. Organisation of Lok Adalats.—(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organised for an area shall consist of such number of—

- (a) serving or retired judicial officers; and
- (b) other persons,



of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

(i) any case pending before; or

(ii) any matter which is falling within the



jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

20. Cognizance of cases by Lok Adalats.—(1)

Where in any case referred to in clause (i) of sub-section (5) of section 19,—

(i)(a) the parties thereof agree; or

(b) one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat,

the Court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such Court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any



other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.



(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the Court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a Court.

(7) Where the record of the case is returned under sub-section (5) to the Court, such Court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).”

Similarly, the definition of Permanent Lok Adalats has been given in Section 22-A of the Act. Permanent Lok Adalats are constituted under Section 22-B of the Act and the provisions regarding the cognizance of cases by Permanent Lok Adalat have been provided in Section 22-C of the Act. These provisions are also extracted herein below:-

“22-A. Definitions.—In this Chapter and for the



purposes of sections 22 and 23, unless the context otherwise requires,—

(a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22-B;

(b) “public utility service” means any—

(i) transport service for the carriage of passengers or goods by air, road or water; or

(ii) postal, telegraph or telephone service; or

(iii) supply of power, light or water to the public by any establishment; or

(iv) system of public conservancy or sanitation; or

(v) service in hospital or dispensary; or

(vi) insurance service,

and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

22-B. Establishment of Permanent Lok Adalats.—(1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may



be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of—

(a) a person who is, or has been, a District Judge or Additional District Judge or has held judicial office higher in rank than that of a District Judge, shall be the Chairman of the Permanent Lok Adalat; and

(b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority,

appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons



referred to in clause (b) shall be such as may be prescribed by the Central Government.

22-C. Cognizance of cases by Permanent Lok Adalat.—(1) Any party to a dispute may, before the dispute is brought before any Court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, may by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under subsection (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any Court in the same dispute.



(3) Where an application is made to a Permanent Lok Adalat under sub-section(1), it—

(a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;

(b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;

(c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and



reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of the every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the



dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.”

The bare perusal of Section 19 (5) of the Act makes it clear that Lok Adalats shall have jurisdiction to determine the question only on the basis of compromise or settlement between the parties to a dispute.

From perusal of Section 20 (1) of the Act, it is explicit that the Lok Adalat can take cognizance only (a) when the parties thereof agree; or (b) one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such Court is prima facie satisfied that there are chances of such settlement; or (ii) the Court is satisfied that the matter is an appropriate one to be taken cognizance by



the Lok Adalat, the Court shall refer the case to the Lok Adalat. These provisions show that the Lok Adalat can take cognizance only in respect of matters referred to it, but it is not the case in respect of Permanent Lok Adalat.

From perusal of Section 22-C (1) of the Act, it is abundantly clear that any party to a dispute may, before the dispute is brought before any Court, make an application to the Permanent Lok Adalat for settlement of dispute.

The reference is not necessary in case of the matter relating to Permanent Lok Adalat. Secondly the distinction between the Permanent Lok Adalat and Lok Adalat is that Lok Adalat has only conciliatory function, but Permanent Lok Adalat has not only conciliatory function but also adjudicatory function.

Section 22-C (8) of the Act, makes clear that where the parties fail to reach at an agreement, the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

From perusal of these provisions it is clear that the jurisdiction of Permanent Lok Adalat to adjudicate upon the matter is only barred in respect of criminal cases, if the matter relates to any offence, the Permanent Lok Adalat has no



adjudicatory jurisdiction, but so far matters relating to Public utility services are concerned, the Permanent Lok Adalats have not only conciliatory function but also adjudicatory function.

In Patna district, the Permanent Lok Adalat has been established in the year 2017 and the impugned order has been passed by the Permanent Lok Adalat constituted under Section 22-B of the Act and not by the Lok Adalat constituted under Section 19 of the Act.

Section 22-C (8) of the Act empowers Permanent Lok Adalat to decide a dispute. The matter may directly be brought in the Permanent Lok Adalat without being referred by any authority or court, as such, I am not agree with the submission of the learned counsel for the petitioner.

The Permanent Lok Adalat, vide impugned order, has taken into account the fact that the Meter Reader of the Electricity Department has himself reported that the house of respondent was closed from June, 2016 to June, 2018 and considering these facts, the Permanent Lok Adalat has ordered to set off the interest i.e. Rs.11129.86 paise.

I do not see any infirmity or jurisdictional error in the impugned order.



Accordingly, this civil miscellaneous petition is
dismissed.

(Nawneet Kumar Pandey, J)

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