

127

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

CWP No. 2556 of 2022

Date of Decision: 18.02.2022

Jaswant Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

Coram: Hon'ble Mr. Justice Arun Monga

Present: Mr. Ripudaman Singh Sidhu, Advocate, for the petitioner.

Arun Monga, J. (oral)

Petition herein under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of *certiorari* quashing Award dated 28.09.2021 (Anenxure P-8) passed by Permanent Lok Adalat (Public Utility Services), Fatehgarh Sahib.

2. Learned counsel for the petitioner submits that the Electricity Connection bearing Account No.K55KA290821X under 'DS' category issued to the petitioner has been disconnected even though he was regularly paying the electricity bills. Learned counsel while relying upon Annexure P-1, which is a bill issued by the respondents' department showing the sundry charges as well as arrears of current financial year, submits that if any arrears or consumption charges were pending towards the petitioner then it should have been mentioned in the previous bills, whereas, the previous bills do not reflect the same. He further submits that even the issues framed by the Permanent Lok Adalat were not dealt with.

3. I have perused the award rendered by Permanent Lok Adalat wherein prior to deciding the case on merits, a futile attempt for conciliation/ amicable settlement was made. Relevant extract of the award is as under:-

“14. Efforts for conciliation were made, but no amicable settlement could be arrived at. However, this Adalat was of the view that there exists an element of settlement in these proceedings which may be acceptable to both the parties and the dispute can be settled after formulating the terms of possible settlement.

Following terms of possible settlement were formulated:-

- I. Whether the respondents have calculated the consumption charges as per rules and regulations ?*
- II. Whether the applicant is liable to pay the amount of Rs. 86240.- demanded vide bill no. 323 dated 12.1.2017 ?*
- III. Whether the applicant is entitled to restoration of electric connection in dispute ?*
- IV. Whether the application is not maintainable?”*

4. Award assailed herein is premised, *inter alia*, on the following reasoning:

“xxx xxx
 21. Application filed by PSPCL is for recovery of Rs. 87965/- as consumption charges and interest Rs. 54470/-. Er. Paramjit Singh SDO in his statement by way of affidavit Ex. Aw1/A has deposed that electric connection no. K55KA290821X was running in the name of Jaswant Singh but he failed to pay the regular consumption charges and regular bills were sent to the consumer on the premises. He also stated that due to the non-payment of the consumption charges the electricity connection was disconnected and that the consumer is defaulter of PSPCL to the tune of Rs. 87965/- as consumption charges and Rs. 54470/- as interest but the consumer failed to pay the consumption charges. PSPCL has produced Ex.A1 bill ledger as well as the consumption data Ex.A2.

22. In case titled *Jaswant Singh Vs. PSPCL Er. Surjit Singh* in his statement by way of affidavit Ex. Rw1/A has also deposed on the same lines as stated by Er. Paramjit Singh SDO. Jaswant Singh respondent in his statement by way of affidavit Ex. Rw1/A has stated that he is regularly paying the electricity charges to the applicant and has also paid the charges upto the month of November 2016 but receipt is misplaced from him. He has further stated that PSPCL disconnected his electric meter connection but nothing is due towards him regarding the previous bills. He also stated that in the month of January 2017 applicant PSPCL issued bill no. 323 dated 12.1.2017 for amount of Rs. 86240/- as per Ex. R4 and Ex. R5 and then also issued bill no. 665 dated for amount of Rs. 88980/- as per Ex. R6. He has also produced the receipt Ex. R7 regarding the payment of the consumption charges for the month of March 2016, May 2016 and September 2016 and has stated that he misplaced the receipt for the month of November 2016. Though Jaswant Singh respondent has stated that he has paid the electricity charges and is not a defaulter but the ledger Ex.A1/Ex.R5 and consumption data Ex. A2 clearly show that consumption charges for Rs.87965/- are pending against Jaswant Singh on account of enjoying the electricity amenity. He is consumer of the PSPCL and his electricity connection in question was disconnected due to the non-payment of the consumption charges and he got the same restored so the amount of Rs.87965/- as consumption charges is due and recoverable from Jaswant Singh and accordingly the application filed by PSPCL Vs. Jaswant Singh is maintainable and the application filed by Jaswant Singh titled *Jaswant Singh Vs. PSPCL* is not maintainable as he is liable to pay the consumption charges due to the consumption of the electricity from the PSPCL.

23. In view of the above discussion and evidence on record accordingly Award is passed in favour of applicant PSPCL and against respondent Jaswant Singh for sum of Rs.87965/- by directing Jaswant Singh to pay sum of Rs.87965/- within three months failing which PSPCL shall be entitled to interest @ 9% P.A. till realisation and accordingly the application filed by Jaswant Singh is not maintainable and is dismissed.”

5. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary jurisdiction vested with this court.

6. There is no room for interference in the aforesaid valid reasons recorded by the Permanent Lok Adalat, with which I am in agreement.

7. Dismissed.

18.02.2022
Gurpreet/vs

(Arun Monga)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No