

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

CWP No. 5116 of 2022
Date of Decision: 15.03.2022

Punjab State Power Corporation Limited

-Petitioner

Versus

Permanent Lok Adalat and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Chadha, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this writ petition in the nature of certiorari, challenging the award dated 25.08.2021 passed by Permanent Lok Adalat (Public Utility Services), Ludhiana.

Admittedly, three phase connection for domestic supply to the meter of respondent No.2 was released by the petitioner and the petitioner was making payment of electricity dues regularly as per demand raised by the petitioner. The demand of Rs.15,42,736/- was made on the basis of some inspection allegedly conducted by some unknown person/official on 01.12.2019 by observing that electricity meter of respondent No.2 was of the capacity 100/5 Amps but CT sets cap of 200/5

Amps. The said memo was served upon respondent No.2 on 26.03.2019 calling upon him to make good the payment within 15 days failing which his electricity connection was to be discontinued. Respondent No.2 had to deposit the said amount under protest and thereafter, laid challenge to the same by filing an application under Section 22(C) of Legal Services Authority, 1987 for settlement of dispute.

The Permanent Lok Adalat on the basis of facts and circumstances of the case accepted the claim of respondent No.2 and directed the petitioner to refund amount of Rs.15,42,736/- to respondent No.2 along with interest @ 6% per annum from the date of deposit of the said amount till final realization. Petitioner has also been directed to pay compensation of Rs.5000/- to respondent No.2 towards harassment. It has also been ordered by the Permanent Lok Adalat that if the amount is not refunded within two months, then the rate of interest would be @ 12% per annum.

Perusal of the record would show that for the alleged act of the petitioner, they were required to follow the procedure prescribed under Section 126 of the Electricity Act. A provisional assessment was to be made and thereafter, the same was to be served upon respondent No.2. Those objections were required to be dealt with after affording reasonable opportunity of hearing

to respondent No.2 before passing final order of assessment. No such exercise was undertaken by the petitioner.

Learned counsel submits that it was not a case of unauthorized consumption of energy, rather due to fault committed by the petitioner- Corporation itself, due payment was not being charged from respondent No.2 due to wrong application of multiplication of factor.

Admittedly before imposing the aforesaid payment of Rs.15,42,736/-, respondent No.2 was never associated in any proceedings. The raid was conducted by some unknown person/officer. Admittedly, till date, name of such officer has not come forth on record.

During course of hearing, a pointed question has been put to learned counsel for the petitioner, but his answer is that some officer of the Department conducted the raid and found the aforesaid anomalous situation vis-a-vis capacity of electric meter. One Parmod Tiwari who was allegedly found to be the driver of respondent No.2. He was shown to be present at the time of raid and his signatures were obtained on inspection report Ex.R1. Petitioner could not substantiate the status of Parmod Tiwari as driver of respondent No.2 by leading any evidence of his proof of employment with respondent No.2 at the time of alleged inspection conducted by some unknown

officer of petitioner- Corporation. Demand raised on the basis of notice of like nature is liable to be condemned and the person cannot be condemned unheard. The Permanent Lok Adalat has all the jurisdiction where the liability has been imposed in violation of principles of natural justice. Reference can be made to CWP No. 2644 of 2016 titled '**Dakshin Haryana Bijli Vitran Nigam Limited and another vs Permanent Lok Adalat**' decided on 11.01.2017. The writ petition is accordingly, dismissed.

Since the amount has not been refunded to respondent No.2 within a period of two months, therefore, now as per the award passed by Permanent Lok Adalat, the petitioner is liable to pay interest @ 12% per annum on the amount of Rs.15,42,736/- from the date of deposit till actual realization of the same. Petitioner shall also pay compensation of Rs.5000/- to respondent No.2 as directed by the Permanent Lok Adalat.

It is made clear that if the amount is not released within further period of two months with interest @ 12%, the petitioner would be liable to pay interest @ 18% per annum after lapse of two months from today.

15.03.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No