

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2495 of 1994 (O&M)
Date of Decision :01.12.2022

Punjab State Electricity Board

.....Appellant

Versus

M/s Mahabir Rice Mills, Dirba and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : None for the appellant.

Mr. Govind Tanwar, Advocate for
Mr. Amarjit Markan, Advocate for respondent No.1.

ARUN PALLI, J. (Oral):

Suit filed by the respondent-plaintiff was decreed by the trial Court, vide judgment and decree dated 21.10.1993. For, even the appeal preferred against the said decree failed and was dismissed on 06.05.1994, the defendant(s) is before this Court in Regular Second Appeal.

Parties to the *lis* hereinafter shall be referred to by their original position in the suit.

The plaintiff prayed for a declaration that the supplementary bill, No.50/46 dated 10.08.1991, for Rs.76,724/-, he was served with, was illegal and arbitrary and for injunction to restrain the defendants from causing any recovery pursuant thereto.

Both the Courts concurrently concluded that the bill in question was illegal, null and void and not binding upon the plaintiff. Accordingly, the defendants were restrained from making any recoveries and from disconnecting the electricity connection of the plaintiff-firm. However, a sum

of Rs.74,322/-, that were deposited with the defendants, were ordered to be adjusted, towards the future bills of the plaintiff-firm, in terms of the order dated 01.10.1992.

The appeal is pending post admission since 04.04.1995 and almost three decades have gone by. It appears that with a flux of time, the appeal has lost its efficacy and is rendered infructuous.

Be that as it may, the matter has been called out twice since morning but none is present on behalf of the appellant to pursue the same.

That being so, the Court is choice-less but to dismiss the appeal for non-prosecution.

However, the parties shall be at liberty, in case, any dispute, cause of action or interest still survives, to move an appropriate application for restoration of the appeal and its decision on merits.

(ARUN PALLI)
JUDGE

01.12.2022
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No