

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

RSA-1072-2021 (O&M)

Date of decision: 12.09.2022

M/s Dhanuka Lab

....Appellant

Versus

Dakshin Haryana Bijli Vitram Nigam Ltd. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ankush Chowdhary, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the concurrent findings of fact arrived at by the courts below, the plaintiff has filed the present appeal. The plaintiff's suit is for grant of decree of declaration that the electricity consumption assessment order dated 23.04.2015 is not sustainable.

In substance, the dispute is with regard to recovery of the amount on account of line losses. There is an independent feeder, which caters to the requirement of as many as 4 consumers. On investigation, it has been found that the recording in electricity consumption metre installed on the feeder line is much more than the consumption of electricity recorded in all the electricity consumption meters of 4 consumers who are being supplied for an independent feeder. Both the courts have dismissed the suit after coming to a finding that the line loss has been correctly apportioned amongst 4 consumers including the plaintiff.

Heard the learned counsel representing the appellant and with his able assistance perused the paperbook as well as the record of the courts below, which was requisitioned.

Learned counsel representing the appellant contends that in fact there are as many as 8 consumers from the independent feeder, therefore, the apportionment of line loss has to be amongst them. He draws the attention of the Court to page 231 of lower court record, a letter written on 22.05.2015 by Bajaj Motors Limited to Superintending Engineer (Operation), Dakshin Haryana Bijli Vitran Nigam Ltd, Gurugram Circle, Gurugram.

This Court has considered the submission and perused the aforesaid communication.

Sh.Kuldip Yadav, the Sub Divisional Officer (Operation), has appeared in evidence. The learned counsel representing the appellant cross-examined the aforesaid witness, while suggesting that there are as many as 8 consumers. However, he emphatically denied the same. Apart from the above, there is no evidence to prove that there were 8 consumers on the independent feeder. Moreover, while filing the suit the plaintiff never claimed that there are 8 consumers from the feeder. There was no issue in question on the aforesaid fact.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

12.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE