

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-5949-C-2023 &
CM-831-C-2020 in/&
RSA-320-2020 (O&M)
Date of Decision :01.06.2023

Uttar Haryana Bijli Vitran Nigam
Ltd. and others

...Appellants

Versus

Sikander Pal

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Longia, Advocate for the appellants.

None for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-5949-C-2023

Present application has been filed for recalling the order dated 05.05.2023 passed by this Court by which, the main appeal was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 05.05.2023 passed by this Court is recalled and the main appeal is ordered to be restored to its original number and status and is taken up for hearing today itself.

RSA-320-2020

1. Present regular second appeal has been filed challenging the

judgment and decree of the lower Appellate Court dated 04.10.2019 by which, the judgment and decree of the trial Court dated 31.05.2017 has been set aside and the suit filed by the respondent-plaintiff was allowed.

2. As per office report, the respondent has been served as far back in November, 2018 but no one is appearing on his behalf, hence respondent is proceeded ex-parte.

3. Learned counsel for the appellants submits that keeping in view the findings recorded by the Courts below wherein, it has been mentioned that while conducting the checking of the meter in question or thereafter, while preparing the report as to whether the said meter has been tempered with or not, rules of natural justice have not been followed as due opportunity of defence to the consumer has not been given and the proper procedure for checking, has not been followed and further the report with regard to the allegation of theft of electricity has not been prepared in a manner as envisaged under the Electricity Act hence, the present appeal may kindly be disposed of having been not pressed any further with liberty to the appellants to pass a fresh order in accordance with law after following due process of law as envisaged under the Electricity Act, 2003 by giving due opportunity of defence to the consumer.

4. Ordered accordingly.

CM-831-C-2020

Application is also disposed of.

June 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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