IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.5609 of 2019 (O&M)
Date of Order:16.11.2023

M/s Kundan Mill Board and Paper Mills

.Appellant

Versus

Punjab State Power Corporation Limited and others

..Respondents

RSA No.5613 of 2019 (O&M)

M/s Kundan Mill Board and Paper Mills

.Appellant

Versus

Punjab State Power Corporation Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Alankrit Bhardwaj, Advocate
for the appellant (in both the appeals)

ANIL KSHETARPAL, J

C.M.No.15952-C-2019 in RSA-5609-2019
C.M.No.15980-C-2019 in RSA-5613-2019

1. For the reasons mentioned in these applications, which are supported by the affidavits, the deficiency in court fee has been made good.

2. CMs stand disposed of

C.M.No.15953-54-C-2019 in RSA-5609-2019
C.M.No.15981-82-C-2019 in RSA-5613-2019

3. For the reasons mentioned in these applications, which are supported by the affidavits, the delay of 166 & 194 days in re-filing and 101 days in filing the appeal is condoned.

4. CMs stand disposed of.

MAIN

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5. These two connected regular second appeals have been filed by the plaintiff to assail the correctness of the judgment and decree passed by the First Appellate Court.

6. In order to comprehend the issue involved in the present case, the relevant facts, in brief are required to be noticed.

7. The appellant is a consumer of the electricity supplied by the respondent-Corporation. In 1995, on the basis of audit objection, the dues payable with respect to two different meters installed in the same premises were clubbed and the appellant was directed to pay Rs.1,88,082/-. The matter was referred to the Dispute Settlement Committee which has been constituted by the respondent-Corporation. The appellant deposited Rs.62,000/-. The Dispute Settlement Committee did not interfere with the bill issued by the respondent-Corporation. The appellant filed writ petition which was allowed on 19.11.2013, directing the Dispute Settlement Committee to decide the matter afresh. Thereafter, the Dispute Settlement Committee held that the plaintiff-firm cannot be held liable. One of the grievance of the appellant is that the amount of Rs.62,000/- has been refunded after a long delay. Secondly the appellant claims that due to issuance of the wrong bill, the appellant was forced to litigate, hence, entitled to the damages.

8. The trial court partly decreed the suit, however, the first appellate court has found that there was no malafide on the part of the officials of the respondent-Corporation as it has not even been alleged. It has also been found that the audit party recommended to club the due amount of two different electric connections and therefore, the suit filed by the plaintiff for damages cannot be decreed.

9. This court has considered the submissions of the learned

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counsel representing the appellant.

10. As already noticed, the first issue is with regard to claim of interest. The amount has already been refunded. The High Court while quashing the order did not award any interest. The Dispute Settlement Committee also did not award any interest. In such circumstances, it would not be appropriate to encourage the subsequent round of litigation to claim interest.

11 The appellant has failed to lead evidence to prove that any damages were suffered on account of previous round of litigation except deposit of Rs.62,000/-.

12 Keeping in view the aforesaid facts, this court does not find it appropriate to interfere with the judgment and decree passed by the First Appellate Court.

13 Dismissed.

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

November 16, 2023 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO

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