

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

208

CWP-13157-2019 (O&M).  
Date of Decision: 20.10.2023.

SUNEETA SHARMA

...Petitioner

Versus

PERMANENT LOK ADALAT AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present: Ms. Bhavna Kapur, Advocate, assisted by  
Petitioner-in-person.

Mr. Angad Chahal, Advocate, for respondents No.2 and 3.

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**VINOD S. BHARDWAJ. J (ORAL)**

The present petition has been filed against the order dated 24.09.2018 (Annexure P-11) passed by the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali, Punjab, whereby the application filed by the petitioner-applicant has been partly allowed to the extent that the electricity bills generated after March 2016 have been declared as null and void.

Learned counsel assisted by the petitioner-in-person has argued that original allottee of House No.4751/C, MIG (S), Sector 70, S.A.S. Nagar, Mohali, was one Ashok Kumar Garg and the same had been sold to Sh.Arunesh Sharma son of Late Sh.Sukhdev Sharma (father of the petitioner) by way of an agreement to sell dated 27.10.1999. The original allottee executed a General Power of Attorney dated 28.10.1999 along with the above said agreement to sell in favour of the petitioner-applicant and her brother Rakesh Kumar Sharma. They have since then been residing in the above said house and utilizing the electricity services provided by the respondent-Distribution Licencee. The electricity was being supplied against Account No.3000230607.

The petitioner was, however, served with an inflated electricity bill in the month of May, 2015, for a sum of Rs.4480/- whereupon she approached the respondent authorities to verify the details as regards the inflated bills and to get the same rectified. There was, however, no response and under the compelling circumstances, the petitioner deposited an amount of Rs.4480/- with the respondent Corporation without prejudice to her rights and on an assurance that the excess amount deposited by the petitioner shall be adjusted in the future bills. The said oral assurance given to the petitioner was, however, not satisfied. The petitioner was served with an inflated bill again in the month of October 2015, where the consumption was recorded to be more than 600 units and even the said payment was made. The said situation continued to arise repeatedly and the respondents failed to redress the same.

Aggrieved of the repeated inflated bills, the petitioner submitted an application for change of the electricity meter and also deposited the amount of Rs.120/- for the meter replacement but the needful was not done and instead a demand notice was served upon the petitioner by the respondents for amounts that she was not liable for and notwithstanding that the house was locked and was not under habitation.

Aggrieved thereof, an application under Section 22 C of the Legal Services Authorities Act, 1987, was submitted by the petitioner before the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali.

Upon notice being issued, the respondent-distribution licensee entered appearance before the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali and did not dispute about the electricity connection referred to above as well as the bills that had been raised. It is averred that pursuant to the application submitted by the petitioner on 10.11.2015 raising a challenge to the meter and for its checking, the meter was removed as per law and sent to the M.E. Lab Ropar. The same was tested in the presence of the petitioner and the same was found O.K. The payments were made in the said account till 09.11.2015 by the consumer. However, the distribution licensee was unaware that the amount was being deposited. The average consumption of consumer was approximately 250 units for the corresponding period from 28.08.2015 to 25.08.2016. A bill of Rs.683/- was raised for consumption of electricity for the period 27.02.2015 to 26.04.2015. The

consumption chart of the petitioner was also appended and that the bill was being raised on average basis.

Efforts were made for an amicable resolution of the dispute, however, the same failed. Resultantly, adjudication under Section 22 C (8) the Legal Services Authorities Act, 1987 was initiated by the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali.

Upon consideration of the evidence led by the respective parties before the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali, the application of the petitioner herein was partly allowed to the extent that electricity bills EX.A-14 dated 29.04.2016 for Rs.14,180/- and bill Ex.A-15 dated 25.06.2016 for Rs.15,060/- and all other bills generated after March 2016, i.e. for the period during which the connection of the electricity supply to the house of the petitioner was disconnected was declared as null and void. All other claims raised by the petitioner-applicant were, however, declined. It was further submitted that the petitioner would be entitled to release of connection on payment of outstanding dues.

Learned counsel for the petitioner has vehemently argued that the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali, has failed to redress the grievance of the petitioner and has not noticed the unnecessary and undue harassment meted out to the petitioner-applicant. The petitioner had specifically made the prayers for seeking the directions not to disconnect the electricity connection to the petitioner-applicant and also to seek the relief of the issuing directions to

the respondents to refund the excess amount deposited. Rs.10,000/- were also claimed towards litigation expenses along with compensation for harassment caused to the petitioner-applicant.

The petitioner who is present in person has vociferously argued that she had suffered loss of her electrical appliances and damage as a result of the harassment caused by the respondents and that she deserves compensation also for such damages suffered by her.

Learned counsel for the respondents, however, contends that the disputed bills have already been waived off by the respondents- PSPCL and that there is an amount of Rs.356/- which is outstanding and that the said amount has been communicated to the petitioner. The PSPCL shall restore the electricity supply of the petitioner upon deposit of the said amount. The restoration of the electricity of the petitioner shall be done as per law on payment of the dues.

An amount of Rs.356/- as demanded by the respondent Corporation has been handed over to the counsel appearing on behalf of the respondents today in the Court. Hence, in so far as the question of any impediment on release of the electricity connection to the residential premises supra is concerned, there is no further obstruction.

Now adverting to the issue regarding the claim for damages raised by the petitioner against the destruction/diminution of the electrical appliances is concerned, there is nothing on the record that there was any variation/turbulence in the voltage of electricity that was being supplied or that any loss occasioned as a result thereof. The same

is apparently not the case submitted by the petitioner even before the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali. Moreover, the question of damages requires affirmative evidence to be led and is not a claim in relation to the supply of electricity and, rather, is a compensatory claim which is beyond the domain and jurisdiction of the Permanent Lok Adalat (Public Utility Services). Consequently, the issue as regards the determination of the damages/loss sustained by the petitioner, its quantification and also its attribution being a disputed question of fact cannot be determined by this Court, at this stage.

The above said prayer is accordingly declined.

There is thus no further issue in relation to the award of the Permanent Lok Adalat (Public Utility Services), which survives. There is nothing on record to hold that the award of the Permanent Lok Adalat (Public Utility Services), suffered from any illegality; impropriety; perversity or mis-appreciation of evidence. The present writ petition is accordingly disposed of as having become infructuous in so far as the substantive relief claimed in the present petition is concerned. The petitioner may, if so advised, take recourse to her remedies by filing an appropriate application before the competent Forum to claim the damages after proving the loss sustained by her, in accordance with law.

However, before parting with the instant order and taking into consideration the fact that the respondents have undisputedly raised the bills that were uncalled for compelling the petitioner had to approach the Court for seeking redressal of her grievances and the consequential

harassment suffered by her. Hence, I deem it appropriate that an amount of Rs.22,000/- be awarded to the petitioner towards litigation expenses and compensation. The above amount be released to the petitioner within a period of 04 weeks of the receipt of a certified copy of this order.

Disposed of in terms of the above.

October 20, 2023  
*raj arora*

(VINOD S. BHARDWAJ)  
JUDGE

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