

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-3672-C-2022 &
CM-3673-C-2022 &
CM-3674-C-2022 in/&
RSA-1147-2022 (O&M)
Date of Decision :29.05.2023

Punjab State Power Corporation Limited
Patiala and others

...Appellants

Versus

Mohan Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagraj Singh, Advocate for
Mr. Arav Gupta, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-3672-C-2012

The present application has been filed for condonation of delay
of 78 days in filing the present appeal.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, the application is allowed. Delay of 78
days in filing the present appeal is condoned.

CM-3673-C-2012

As prayed for, application is allowed.

RSA-1147-2022

1. In the present regular second appeal, the challenge is to the
judgment and decree dated 30.09.2019 of the lower Appellate Court
whereby, the recovery of Rs.4,93,513/- done by the appellant-Corporation

was held to be bad in law and refund of the said amount to the respondent has been ordered.

2. On being asked to point out any perversity in the document issued by the appellant-Corporation that has been relied upon by the lower Appellate Court while passing the impugned judgment wherein, the respondent was only found to be negligent in causing loss of Rs.60,216/-, learned counsel for the appellant has not been able to dispute the said document.

3. Once, even after holding an enquiry and passing an order of punishment and recovery of certain amount, appellant-Corporation themselves issued a letter dated 06.11.2013 assessing the liability of the respondent only to the tune of Rs,60,216/-, recovery of amount more than the assessed amount cannot be allowed hence, keeping in view the facts and evidence which came on record, findings recorded by the lower Appellate Court needs no interference at the hands of this Court.

4. At this stage, learned counsel for the respondent submits that judgment and decree in question has already been implemented and excess amount has already been refunded back to the respondent.

5. No other argument raised.

6. That being so, keeping in view the totality of the facts and circumstances of the present case, no interference is called for by this Court and the present regular second appeal is accordingly dismissed.

CM-3674-C-2012

Application is also dismissed.

May 29, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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