

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(203)

2023:PHHC:090993

CWP-51-2015

Date of Decision: 19.07.2023

Dayal Chand Gupta

--Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. & another

--Respondents

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

Present:- Mr. D.K. Singal, Advocate for petitioner.

Mr. Lalit Attri, Advocate for

Mr. S.K. Sharma, Advocate for respondents.

VINOD S. BHARDWAJ.J (Oral)

Challenge in the present petition is to the award dated 16.7.2014 passed by Permanent Lok Adalat for Public Utility Services, Ambala dismissing the petition filed under Section 22(5) of the Legal Services Authorities Act, 1987.

Costs imposed vide order dated 20.3.2023 have been deposited vide receipt no.10077 dated 24.3.2023.

Learned counsel for the petitioner contends that the claim of the petitioner is already covered by a judgement of this court rendered in a bunch of petitions including CWP-4646-2011 titled as M/s B.B. International Vs. Uttar Haryana Bijli Vitran Nigam Ltd., decided by common order dated 9.12.2014 and CWP-6680-2008 titled as Haryana Chamber of Commerce and Industries & others Vs. Uttar Haryana Bijli Vitran Nigam Ltd. & others decided on 10.2.2009.

Learned counsel for respondents refers to the affidavit filed on their behalf and concedes that the mandate of advance notice has already been upheld by the aforesaid judgements and that the notice/option had not

been offered to the petitioner in the present case as well. He, thus, concedes that the judgements relied upon by the petitioner would be applicable to the present case.

Even though, I am of the opinion that the disputed question relates to a billing dispute which may not be covered under the scope of Permanent Lok Adalat (Public Utility Services) as Section 22-A(b)(iii) of the Legal Services Authorities Act, 1987 confines the services of the electricity only to the extent of supply of electricity only. The dispute in the present case is largely a dispute relating to bill/levy of charges and may not fall under the definition of a dispute pertaining to supply. Separate remedy for adjudication of such dispute is provided under Section 42 of the Electricity Act, 2003. However, while keeping the said issue open and taking into account the fact that the issue involved in the present case has already been decided in favour of the petitioner in the judgements rendered in, CWP-4646-2011 titled as M/s B.B. International Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and CWP-6680-2008 titled as Haryana Chamber of Commerce and Industries & others Vs. Uttar Haryana Bijli Vitran Nigam Ltd. & others, the present petition is also disposed of in terms of the aforesaid judgements.

(VINOD S. BHARDWAJ)
JUDGE

19.07.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No