IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-3480 of 2018 (O&M)
Date of Order: 02.08.2023

M/s Jain Steel Industries

.Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rose Gupta, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. Though the trial court partly decreed the suit, however, the First Appellate Court while deciding two cross appeals has accepted the appeal filed by the Dakshin Haryana Bijli Vitran Nigam (Government power distribution company). The second appeal has been filed by the plaintiff to challenge the correctness of the judgment passed by the First Appellate Court.

2. In order to comprehend the issue, the relevant facts, in brief, are required to be noticed.

3. The plaintiff filed a suit for declaration that the demand notice for energy charges, peak load charges, fuel surcharge and electricity dues is null and void. He claims to have applied for disconnection on 12.06.2014 which was disconnected on 27.06.2014 i.e. within a period of 15 days. The plaintiff also claims that he has deposited Advanced Consumption Deposit

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which is liable to be adjusted.

4. The Board while contesting the suit asserted that the electricity consumption charges have been demanded in accordance with law.

5. As already noticed, the trial court declared the bill of Rs.8,65,837/- is illegal.

6. Two appeals were filed before the First Appellate Court, one by the Nigam and second by the appellant. The First Appellate Court on re-appreciation of the evidence allowed the appeal filed by the Power Supply Company while dismissing the appeal filed by the appellant.

7. The learned counsel representing the appellant contends that the plaintiff applied for the disconnection on 12.06.2014, therefore, he cannot be made liable to pay the electricity consumption charges after 12.06.2014.

8. This Court has considered the submissions of the learned counsel representing the appellant.

9. The respondents disconnected the electricity connection within 15 days from the date of receipt of an application for disconnection. Such period cannot be said to be unreasonable. Moreover, the Power Supply Company has demanded energy consumption charges. If the appellant has consumed the electricity, it cannot refuse to pay the amount for such consumption. Moreover, the revised tariff circular was never challenged by the plaintiff.

10. Keeping in view the aforesaid facts and discussions, no ground to interfere is made out.

11. Dismissed.

12. All the pending miscellaneous applications, if any, are also

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disposed of.

August 02, 2023 **(ANIL KSHETARPAL)**
nt **JUDGE**

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

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