**CWP-6284-2021****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****222****CWP-6284-2021****Date of decision: 02.09.2024****Uttar Haryana Bijli Vitran Nigam Limited & ors.****...Petitioners****Versus****M/s Roop Kamal Stone Crusher & another****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ****Present :** Mr. R.S. Longia, Advocate
for the petitioners.Mr. Vinay Kumar Arya, Advocate for
Mr. Anshul Mangla, Advocate,
for respondent No.1.**VINOD S. BHARDWAJ, J. (Oral)**

The present petition has been filed challenging the award dated 02.12.2020 passed by Permanent Lok Adalat (Public Utility Services), Yamuna Nagar, whereby the application filed by respondent No.1-applicant has been allowed and the demand raised by the petitioners has been set aside.

Learned counsel appearing on behalf of the petitioners contends that respondent No.1-applicant is a consumer of the petitioners having a non-domestic electricity supply connection for running his Saw Mill. The electricity connection account No.LS-26 of respondent No.1-applicant was audited by the internal audit party and as per its Half Margin Report No.8 dated 29.11.2019 for the period from April, 2017 to March, 2018, it was noticed that the energy meter was replaced vide MCO No. 48/01 dated 18.05.2017 on 19.06.2017 for providing CT/PT facility. In the previous meter, the consumption was being computed by applying a

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multiplying factor of .15 to the recorded units, whereas in the new meter, consumption was to be computed by applying Multiplying Factor of 3. The billing was however inadvertently done by applying the old Multiplying Factor of .15 thus resulting in less amount being charged by the distribution licensee from the consumer. The account of respondent No.1-applicant was, accordingly, over-hauled for the said period and the differential charge was claimed from respondent No.1-applicant. The same was challenged by respondent No.1-applicant before the Permanent Lok Adalat (Public Utility Services), Yamuna Nagar, which allowed the application by relying on Section 56(2) of the Electricity Act, 2003, to contend that a demand which is raised after a period of more than 2 years, cannot be recovered by the distribution licensee.

Learned counsel appearing on behalf of the petitioners contends that the award of the Permanent Lok Adalat (Public Utility Services), Yamuna Nagar, suffers from misappreciation of the statutory provisions enshrined under Section 56(2) of the Electricity Act. He contends that the amount becomes due and payable to the distribution licensee after the mistake is detected and that the Hon'ble Supreme Court has already held that the distribution licensee is entitled to claim such an amount. It was held by the Hon'ble Supreme Court in the matter of *M/s Prem Cottex vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, reported as 2021 (4) RCR (Civil) 422*, that if the licensee has not raised any bill, merely because there is no negligence on the part of the consumer to pay bill, the period of limitation prescribed under Section 56 (2) of the Electricity Act will not start running and has to be computed from the date

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when the error/mistake is detected.

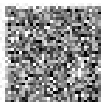
Second argument raised is to the effect that the dispute was principally in the nature of a billing dispute on account of revision of the charges due to the bills having been wrongly demanded on account of a wrong multiplication factor. The same was essentially a billing dispute and not a supply dispute and thus the Permanent Lok Adalat had no jurisdiction to entertain the application.

Learned counsel for respondent No.1 is not in a position to dispute the applicability of the aforesaid judgment and fairly concedes that the dispute was essentially not in the nature of supply dispute and was principally a dispute pertaining to the demand of electricity consumption charges.

I have heard learned counsel for the respective parties and have gone through the documents appended along with the present petition.

As the counsel for the respondent–applicant concedes that the dispute was not in the nature of supply dispute and is a billing dispute which could not have been taken cognizance of by the Permanent Lok Adalat, the other argument pertaining to Section 56(2) of the Electricity Act, 2003, need not be dealt with any further. The proceedings were thus not maintainable before the Permanent Lok Adalat. This Court refrains from proceeding any further in the matter on merits lest it may cause prejudice to the inter se rights of the contesting parties.

The present writ petition is, accordingly, allowed and the award dated 02.12.2020 passed by Permanent Lok Adalat (Public Utility Services), Yamuna Nagar, in application No.20/YNR/2020 titled ‘M/s Roop Kamal



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Stone Crusher Vs. S.D.O., Op, U.B.V.N.’, is set aside. Respondent No.1-applicant shall however be entitled to raise a challenge to the said demand before the competent forum under Section 42(5) of the Electricity Act, 2003.

In the event of respondent No.1-applicant taking recourse to such a proceeding, the period spent in pursuing the remedy with the Legal Services Authority and before this Court shall be taken into consideration for computing limitation. Needless to mention that an expeditious decision shall be taken on the case, if so instituted.

02.09.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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