



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

RSA-3630-1999 (O&M)

Date of Decision:-11.11.2024

PUNJAB STATE ELECTRICITY BOARD

... Appellant

Versus

PEPSU ROADWAYS

... Respondent

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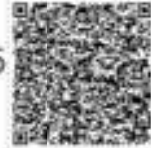
CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Rajiv Sharma, Advocate
for the appellant.

None for the respondent.

ALOK JAIN, J. (Oral)

1. The present appeal has been arising out of the judgment and decree passed by the Courts below against the present appellant.
2. Learned counsel for the appellant has vehemently argued and opened the case by submitting factual matrix detailing out that the respondents had filed the suit challenging the bill bearing No.09721 Book No.75 amounting to ₹1,84,980/-, which was to be paid by 06.12.1991. The bill was raised on the ground that the electric meter installed in the premises of the plaintiff/respondent was not recording correct reading of the units being consumed therefore, the plaintiff/respondent was wrongly making the payment of minimum charge. Based on the internal audit report, the above stated bill was raised for recovery from the plaintiff/respondent. Learned counsel for the appellant submits that the Courts below without going into



said issue have returned the finding by misreading the evidence by putting the onus on the appellants that in the absence of meter being repaired or installed such bill could not have been raised. He further submits that in fact, the calculation was made on the basis of load factor and demand; and thus, the bill was rightly raised.

3. Heard learned counsel for the appellant at length and after perusal the record what comes out is that the suit was filed challenging the above-said bill on the ground that the respondent-plaintiff had on the very first instance moved complaint to the authorities with regard to deficiencies in the meter. It was pleaded and proved that the plaintiff-respondent had made the prayer to the authorities for repairing the meter already installed or to replace the same with new one which was not adhered to by the authorities. The respondent-plaintiff also deposited the requisite fee and repeatedly requested the authorities to do the needful.

4. The learned Court below after going through the cogent evidence returned to the finding that the appellant could only charge amount from the plaintiff on the basis of average consumption for the disputed period and not on the basis of load factor and demand and therefore, the said bill was held to be illegal and invalid. The First Appellate Court also returned the similar findings by recording that the respondent-plaintiff cannot be penalized for the fault of appellant-defendant themselves and therefore the charge so claimed by the appellant was rightly cut down by the learned Trial Court below.

5. Considering the above and after perusal of the record it is evident that both the learned Courts below have made conclusive findings



and have rightly appreciated / evaluated the evidence presented during the trial. Therefore, this appeal, upon careful consideration, is dismissed as there is no substantial ground to interfere with the conclusion drawn by the lower Courts.

6. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

11.11.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No