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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-12145-2024 (O&M).
Date of Decision: 23.05.2024.

NARINDER KUMAR

... Petitioner

Versus

THE PERMANENT LOK ADALAT (PUBLIC UTILITY SERVICES),
PATIALA, PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Saurabh Arora, Advocate, (Legal-aid-counsel)
for the petitioner.

Mr. Karmanbir Singh Kharbanda, Advocate,
for respondents No.2 to 4/PSPCL

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the award dated
28.02.2024 passed by the Permanent Lok Adalat (Public Utility Services),
Patiala, in application No.4051 of 2018, filed by the petitioner under
Section 22-C of the Legal Services Authorities Act, 1987, whereby the
application preferred by the petitioner was dismissed.

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2 Briefly summarized, the facts of the present case are that the petitioner is a consumer of the respondents/PSPCL and the electricity connection bearing No.3000730812 had been provided to him. It is averred that he was regularly paying the electricity bills as per actual consumption, however, since the meter installed at the premises of the petitioner was defective and was reflecting incorrect consumption, a request was made to the respondents/PSPCL to change the said meter whereupon it was changed in the year 2018. It is submitted that inflated bills were being sent by the respondents/PSPCL to the petitioner and that even a legal notice had also been sent by him for rectification of the said defect, however, the same was not responded to.

3 Be that as it may, after the change of the meter in the month of April 2018, it was alleged that even the said meter was not giving correct reading and that the bills which were being issued were on higher side. Hence, the application under Section 22-C of the Legal Services Authorities Act, 1987 was preferred before the Permanent Lok Adalat (Public Utility Services), Patiala.

4 The respondents/PSPCL entered appearance and filed its written statement raising various preliminary objections including with respect to the maintainability of the application. It was also stated that the material information has been concealed and that the petitioner is a defaulter and he did not deposit the bills regularly since 2018. On merits, while admitting that the petitioner is a consumer of the respondents/PSPCL,

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it was stated that the petitioner never approached for the change of the meter on the pretext that the same was giving wrong/excess reading, rather, he was told by the officials of the respondents/PSPCL that if a consumer does not have faith in the reading being recorded by the electricity meter, he has a right to challenge the same by depositing the requisite fee. It was further submitted that the bills dated 23.01.2018 and 17.01.2017 for a sum of Rs.3,410/- and Rs.5,620/- respectively were issued and even bill dated 22.12.2017 for a sum of Rs.2,720/- and bill dated 21.08.2018 for an amount of Rs.25,780/- were also dispatched to the petitioner. The said bill did not show any excess reading, rather the same were sent on the basis of actual consumption and already included the arrears for the previous bills of Rs.9,121/- and that the petitioner did not regularly deposited the bills as raised by the respondents/PSPCL. The meter of the petitioner became defective only in the month of March 2018 and the same was changed on 05.04.2018 by installing a new meter vide MCO dated 22.03.2018. It was further averred that bill for the month of July 2018 for a sum of Rs.9,110/- was sent to the petitioner on the basis of actual consumption, however, the same was not deposited. Similarly, bill for the month of August 2018 for a sum of Rs.25,780/- on the basis of actual consumption including arrears of Rs.9,121/- and surcharge for previous months was sent to the petitioner, however, the petitioner deposited only a sum of Rs.8,000/- on 11.09.2018. Similarly, for the month of September, 2018, bill for a sum of Rs.22,640/- on basis of actual consumption of 636 units including the arrears of

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Rs.18,733/- along with surcharge of previous months after deducting Rs.8,000/- was sent, however, the petitioner again did not pay anything towards bill of September, 2018. Similarly, the bills for the month of October, 2018 for a sum of Rs.26,870/-; bill for the month of November, 2018 for a sum of Rs.30,160/-; bill for the month of December, 2018 for a sum of Rs.32,660/- which included the arrears along with surcharge of previous months were sent, however, the petitioner paid only Rs.6,580/- on 27.12.2018 and Rs.4,700/- on 30.01.2019. It is further averred that bill for the month of February, 2019 for a sum of Rs.27,470/- after deducting Rs.6,580/- and Rs.4,700/- deposited by petitioner was sent, however, the petitioner again did not pay anything towards bill of February, 2019. Bill for the month of March, 2019 for a sum of Rs.30,170/- and bill for the month of April, 2019 for a sum of Rs.33,230/- was sent, however, the petitioner did not pay anything towards bill of March, 2019. It is further averred that thereafter the bills were issued to the petitioner on the basis of actual consumption including the arrears, but the petitioner deposited only less/incomplete bills and therefore, petitioner is defaulter in making the payment and latest bill for the month of August, 2021 for a sum of Rs.48,990/- on basis of actual consumption of 902 units including the arrears of Rs.43,331/- along with surcharge of previous months was sent, however, the petitioner paid only Rs.5,570/- on 25.08.2021. It is averred that Meter was installed/changed in the month of April 2018 and is giving correct reading. No bill was issued on the basis of average consumption.

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The bill(s) were issued as per actual consumption and the petitioner is a defaulter. It is submitted that above said facts reflect the behavioural pattern of the petitioner.

5 Efforts for an amicable resolution of the dispute as mandated under Section 22-C (4) to (7) of the Legal Services Authorities Act, 1987 were undertaken by the Permanent Lok Adalat (Public Utility Services), Patiala, however, on failure of the reconciliation, adjudication under Section 22 C (8) of the Legal Services Authorities Act, 1987 was initiated by the Permanent Lok Adalat (Public Utility Services), Patiala.

6 Parties led their respective evidence and upon consideration of the evidence brought on record and the arguments advanced by the counsel for the respective parties, the Permanent Lok Adalat (Public Utility Services), Patiala, dismissed the application filed by the petitioner vide order dated 28.02.2024 and held as under:-

“11. It is admitted case of the respondents that the applicant is their 'consumer' and an electricity connection bearing account number 3000730812 has been installed in his premises.

12. MCO (Meter Change Order) dated 22.03.2018 (Ex.R1) depicts that the old meter of the applicant was replaced with a new meter on 05.04.2018 by the respondents. Thus, they cannot be directed to send the future bill(s), as per the bill for the month of December 2017, after the change of the meter in the month of April 2018.

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13. *New/replaced meter installed by the respondents in the month of April 2018 has not been challenged by the applicant till date by depositing the requisite fee. If the meter is defective or recording excessive consumption of electricity, then why the applicant has not challenged the same so far as advised in accordance with the Rules? Reasons to that effect being obscure go to show that the applicant/consumer is not speaking the truth. It is there on record that the meter provided in the premises of the applicant in the month of April 2018 is giving the correct reading as per the actual consumption. Report(Ex.R17) produced by the respondents unfolds the status of the meter as 'OK'. A non-defective meter cannot be changed at the whims and fancies of a party.*

14. *Electricity bills are/were issued by the respondents as per the actual consumption recorded by the meter. Browsing of the bills(Ex.R2 to Ex.R15) coupled with the details of payment(Ex.R16) made by the applicant clarify that sometimes he failed to deposit the hergy bills) and at occasions, short/part payment than the actual bill count was made. One such example is that bill for the month of August 2018(Ex.R7) amounting to Rs.25,780/- was generated by the respondents in the name of the applicant. He paid/deposited only Rs.8,000/- on 11.09.2018. Arrears etc. used to be added in the later bill(s) by the respondents. Even the bill dated 21.08.2018(Ex.P1) shows that the applicant was in arrears to the tune of Rs.9,121/-.*

15. *Such being the situation, we are at a loss to understand as to how it lies in the mouth of the applicant to say that the electricity meter installed in his premises in the month of April*

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2018 being defective be replaced or the bills as per actual consumption are not being issued by the respondents. He (applicant) is legally and morally bound to pay for the electricity being consumed by him. No deficiency in service or unfair trade practice can be attributed to the respondents. The application at hand being meritless and not maintainable deserves dismissal.

16. As a result, the instant application is dismissed leaving the parties to bear their own costs.”

7 Aggrieved thereof, the present writ petition has been filed.

8 Learned counsel for the petitioner has reiterated the submissions with respect to the meter being defective and that the inflated bills were being raised by the respondent Distribution Licensee and the same were on higher side without any justification. It is submitted that the bills were not raised on the basis of actual consumption and even the details of the deposit were not being conveyed to him.

9 On the other hand, learned counsel for the respondent Distribution Licensee, who is present on advance notice, informs that all the aspects have already been dealt with by the Permanent Lok Adalat (Public Utility Services), Patiala and that the petitioner could not lead any evidence to show that the meter was defective or that there was any error on the part of the respondent Distribution Licensee in raising the above said bills. There was no defect in the meter and the actual consumption charges were being recorded. It was also argued that it was on account of the non-

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payment of the bills by the petitioner that the amount was being reflected as arrears in the subsequent bills raised by the respondent Distribution Licensee. It is submitted that there being no evidence led on record by the petitioner, award passed by the Permanent Lok Adalat (Public Utility Services), Patiala does not deserve any interference.

10 No other argument has been raised.

11 I have heard learned counsel appearing for the respective parties and have also gone through the award passed by the Permanent Lok Adalat (Public Utility Services), Patiala.

12 I find that there is no document/evidence adduced by petitioner-Developer before the Permanent Lok Adalat (Public Utility Services), Patiala or before this Court, on the basis whereof it can be said that there was any illegality, impropriety, perversity or mis-appreciation of law or facts by the Permanent Lok Adalat (Public Utility Services), Patiala. Further, there is no evidence on record referred to by the counsel for the petitioner on the basis whereof, the findings recorded by the Permanent Lok Adalat (Public Utility Services), Patiala, can be said to be misplaced or not substantiated from the evidence available on record. An inference is sought to be drawn, however, such an inference is not supported by any evidence which can be taken into consideration to return a finding against the conclusions contrary to the findings so recorded by the Permanent Lok Adalat (Public Utility Services), Patiala. The finding arrived at by the

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Permanent Lok Adalat (Public Utility Services), thus cannot be said to be bereft of any merit.

13 The present writ petition is accordingly dismissed. The award dated 28.02.2024 passed by the Permanent Lok Adalat (Public Utility Services), Patiala, is affirmed.

May 23, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

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