



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CWP-18316-2019 (O&M)

Date of decision: 07.05.2024

L.I.C. Housing Finance Limited

...Petitioner

VERSUS

The Permanent Lok Adalat, Public Utility Services, Faridkot (Pb.) and anr.

...Respondents

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

Present :- Mr. O.P. Narang, Advocate with
Mr. Sumit Kalra, Authorized Officer,
LIC Housing Finance Ltd., Jalandhar (Pb.).

None for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

CM-19011-CWP-2023

Application is allowed as prayed for subject to all just exceptions. Annexure-A to C are taken on record.

Registry is directed to tag the same at an appropriate place with its paging.

Main case:

1. The petitioner has challenged the award dated 27.01.2016 (Annexure P-14) passed by respondent No.1 Permanent Lok Adalat, Public Utility Services, Faridkot, whereby the application filed by respondent No.2-applicant was allowed and the petitioner-Insurance Company was directed to pay a sum of Rs.4,00,200/- towards the adjustment of Housing Loan and for issuance of 'No Dues Certificate', notwithstanding that the Permanent Lok



Adalat, Public Utility Services, Faridkot, did not have jurisdiction to deal with the financial and bank matters as on the date of passing of the award.

2. The case came up for hearing on 09.07.2019 when the following order was passed:

“The LIC Housing Finance Limited has filed the instant writ petition assailing the award dated 27.01.2016 (Annexure P-14) passed by the Permanent Lok Adalat (Public Utility Services), Faridkot.

Counsel would submit that the petitioner/Company is engaged in the business of Housing Finance and under Section 22-A of the Legal Services Authorities Act, 1987.

'Public Utility Service' has been defined as under:

“(b) “public utility service” means any

(i) transport service for the carriage of passengers or goods by air, road or water;

or

(ii) postal, telegraph or telephone service; or

(iii) supply of power, light or water to the public by any establishment; or

(iv) system of public conservancy or sanitation;

or

(v) service in hospital or dispensary; or



(vi) insurance service

And includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purpose of this chapter.

Further contended that vide Notification dated 16.02.2016 made effective from the date of publication of the Notification education, housing and real estate services were also included within the scope and ambit of 'Public Utility Services'

The precise contention raised by counsel is that in the present case, application had been moved by the private respondents on 13.11.2014 and the impugned award was passed on 27.01.2016 i.e. prior in point of time to the Notification dated 16.02.2016 and as such, the Permanent Lok Adalat lacked jurisdiction to even entertain the application.

Notice of motion, returnable for 25.09.2019.

Execution proceedings in pursuance to the impugned award shall be held in abeyance till the next date of hearing.”.



3. The notice however remained unserved as respondent No.2 was reported to have left the given address. The petitioner-Company availed certain opportunities for furnishing the correct address of respondent No.2, however, as the correct address could not be collected, hence, vide order dated 22.08.2023, publication was ordered in the newspapers.

4. The report has already been submitted that the publication in the newspapers had been done. No one however entered appearance for respondent No.2. The matter was still adjourned on 09.01.2024 to enable the appearance on behalf of respondent No.2.

5. On resumed hearing today, no one chose to appear on behalf of respondent No.2. However, to assist this Court for adjudication of the present controversy, Ms. Suraksha Masih, Advocate (Mobile No. 93564-03344, who is present in the Court, was appointed as the Legal Aid Counsel to represent the case on behalf of respondent No.2 to arrive at a decision. She has gone through the award passed by the Permanent Lok Adalat, Public Utility Services, Faridkot, as also the Notification dated 16.02.2016 whereby the Banking and Financial Services were included in the definition of the Permanent Lok Adalat, Public Utility Services, under Section 22-A The Legal Services Authorities Act, 1987.

6. Under the given circumstances, this Court is of the view that the award dated 27.01.2016 (Annexure P-14) passed by the Permanent Lok Adalat, Public Utility Services, Faridkot, was without jurisdiction as the



Permanent Lok Adalat, Public Utility Services, had not been conferred with the authority to adjudicate the matters pertaining to banking and financial aspects till 16.02.2016. The defect of jurisdiction is incurable and goes to the roots of the case.

7. Consequently, the present writ petition is allowed and the award dated 27.01.2016 (Annexure P-14) passed by the Permanent Lok Adalat, Public Utility Services, Faridkot, is set aside. Respondent No.2 may, if so advised, take recourse to her remedies as per law. Needless to mentioned that in such an eventuality, the period spent in pursuing proceeding before the Permanent Lok Adalat (Public Utility Services), Faridkot and this Court shall be taken into consideration for computing limitation.

8. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

(VINOD S. BHARDWAJ)
JUDGE

07.05.2024
Mangal Singh

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