

2024:PHHC:092317



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

208

CWP-3507-2017
Date of Decision: 23.07.2024

DAKSHIN HARYANA BIJLI VITRAN NIGAM

... Petitioner

VERSUS

KRISHAN KAUSHIK AND ANR.

... Respondents

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

Present: Mr. Abhilaksh Grover and Ms. Savita,
Advocates for the petitioner.

Mr. Gaurav Kathuria, Advocate
for respondent No.1.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the Award dated 08.12.2015
passed by Permanent Lok Adalat (Public Utility Services), Faridabad.

The proceedings before the Permanent Lok Adalat (Public Utility
Services), Faridabad had emanated against an electricity consumption bill
raised by the petitioner-Distribution Licensee after noticing that the meter was
running slow by 33.33.% during the period from 04.12.2013 to 17.01.2014 and
by 66.66% from 17.01.2014 to 30.06.2014. After considering the rival
contentions and evidences adduced by the respective parties (after failure of the
conciliation proceedings), the Permanent Lok Adalat (Public Utility Services),
Faridabad partly accepted the application filed under Section 22-C of the Legal
Services Authorities Act, 1987 and the payment of Rs.4,25,918/- was held to be
illegal and the petitioner-Distribution Licensee was directed to issue fresh

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memo to the respondent No.1-consumer raising the actual demand from the consumer after considering the meter to be running slow by 50% only for two months from 04.12.2013 to 30.06.2014 and while doing so, the petitioner-Distribution Licensee was also directed to adjust the payment made by the respondent No.1-consumer against the said memo.

The factual aspect is, however, not required to be gone into at this stage. During the course of hearing on 16.08.2023, the following order was passed:

“Learned counsel for the respondents prays for some time to assist the Court on the issue of maintainability of the application under Section 22-C of the Legal Services Authority, 1987 before Permanent Lok Adalat (Public Utility Services), Faridabad considering that only the supply of electricity is the notified utility service qua which the jurisdiction has been conferred upon the Permanent Lok Adalat (Public Utility Services) under The Legal Services Authority, 1987; and the dispute qua revision of energy consumption bill is prima facie not a dispute pertaining to the service of supply of electricity.

Adjourned to 06.12.2023.”

Counsel for respondent No.1 was accordingly granted opportunity to assist this Court on the issue of maintainability of the alleged proceedings before the Permanent Lok Adalat (Public Utility Services), Faridabad considering that only restricted jurisdiction in the matters of supply of electricity has been conferred upon the Permanent Lok Adalat (Public Utility Services) instead of general and pervasive jurisdiction. The said issue of



maintainability was pointed out again to the counsel for respondent No.1 as observed in the order dated 14.02.2024.

On resumed hearing, counsel for respondent No.1-consumer does not dispute the aspect of maintainability of the proceedings before the Permanent Lok Adalat (Public Utility Services) and submits that the respondent No.1-consumer may be permitted to raise the said issue before the Consumer Grievances Redressal Forum so as to establish his claim. As the issue is being examined solely on the point of maintainability of the proceedings before the Permanent Lok Adalat (Public Utility Services), hence, this Court refrains from commenting on the respective merits of the claim lodged by the respective parties, lest it may prejudice their rights.

Accordingly, the present petition is allowed. The Award dated 08.12.2015 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Faridabad in Case No.1556 dated 28.11.2014 titled as 'Krishan Kaushik Versus Dakshin Haryana Bijli Vitran Nigam' is hereby set aside. Liberty is, however, granted to the respondent No.1-consumer to move an appropriate application/petition before the Consumer Grievances Redressal Forum constituted under Section 42(5) of The Electricity Act, 2003 within a period of six weeks of the receipt of certified copy of this order. The period spent in pursuing the remedy before the Permanent Lok Adalat (Public Utility Services), Faridabad and in the present petition before this Court shall be taken into consideration while computing limitation. The Consumer Grievances



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Redressal Forum shall adjudicate the matter in accordance with law and after granting proper opportunity of hearing to both the parties.

At this stage, counsel for respondent No.1-consumer points out that the respondent No.1-consumer has already deposited the amount as directed by the Permanent Lok Adalat (Public Utility Services), Faridabad.

Counsel for petitioner-Distribution Licensee does not dispute the same. Accordingly, the petitioner-Distribution Licensee would refrain from taking any coercive action against respondent No.1-consumer for recovery of any differential amount till the adjudication of the petition/application before the Consumer Grievances Redressal Forum.

Petition stands allowed accordingly.

JULY 23, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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