

2024:PHHC:0999999



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

206

CWP-5660-2017
Date of Decision: 05.08.2024

PUNJAB STATE POWER CORPORATION LTD. & ANR

... Petitioners

VERSUS

FAQAR BABA DAMU SHAH AND ANR

... Respondents

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

Present: Ms. Kashish Sahni, Advocate
for the petitioners.

Mr. Bhuwan Vats, Advocate
for respondent No.1.
(through video conferencing)

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the Award dated 24.05.2014
(Annexure P-1) passed by Permanent Lok Adalat (Public Utility Services),
Moga.

Vide the impugned Award, the Permanent Lok Adalat (Public
Utility Services), Moga has allowed the application No.1003 dated 25.08.2012
setting aside the demand raised by the petitioner-PSPCL on account of
consumption charges. The operative part of the impugned order is reproduced
hereinafter below:

*"14. From the above said factors the higher is to be taken for
charging the consumer for the period April 2012 and June 2012
respectively which is as follows:-*



(I) *In April 2011 the consumption charged was of 11488 Units, but in April 2012 this consumption was charged as 11458. Hence 30 units less charged which can now be charged.*

(II) *In June 2011 the consumption charged was 11601 Units and the same can be charged in June 2012 being the higher.*

15. *Accordingly, we hold bi-monthly consumption as 11488 for April 2012 and 11601 units for June 2012. Hence the consumption of disputed two bi-monthly bills will be 11488 and 11601 units for April 2012 and June 2012 respectively. Applicant is liable for payment of 11488 units for the period April 2012 and 11601 units for the period June 2012 along with other relevant charges under the rules prevalent during that period and adjust Rs.67,000/- which has already been deposited by the applicant vide receipt issued by the respondent corporation which is Ex-A31 and not for Rs.10,81,100/- demanded by the respondents vide bill No.73417 dated 23.06.2012 which is Ex-A30.*

16. *In the result, application is accordingly accepted with cost of Rs.2500/-. An award is passed in favour of the applicant and against the respondents to the effect that demand of Rs.10,81,100/- made by the respondents vide Bill No.73417 dated 23.06.2012 concerning connection No.F-23/LA370232 H is illegal, null and void and against the rules and regulations. Respondents are directed to charge the applicant for April 2012 and June 2012 for 11488 and 11601 units per bi-monthly respectively and adjust the amount already deposited with the respondents vide receipt copy of which is Ex-A31. They can claim other charges permissible if due on the amount of 11488 and 11601 units of two bi-monthly i.e. April 2012 and June 2012 as were prevalent during that period by*



way of issuing bill/bills. Copy of this order be supplied to the parties. File be consigned.

Learned counsel for the respondent No.1-applicant very fairly submits that the issue in question has already been dealt with by this Court vide its order dated 18.07.2024 passed in CWP-16035 of 2024 titled as 'Uttar Haryana Bijli Vitran Nigam Ltd. Versus The Indian Express Pvt. Ltd. and another'. He further contends that the case is covered against him in terms of the aforesaid order.

Learned counsel for the petitioner does not dispute the abovesaid factual aspect.

Heard.

In view of the aforesaid order, referred to by the counsel for respondent No.1 and being applicable to the present case, the present writ petition is allowed. Resultantly, the impugned Award dated 24.05.2014 passed by Permanent Lok Adalat (Public Utility Services), Moga is set aside.

Liberty is, however, granted to respondent No.1 to take recourse to the alternative remedies in accordance with law, in case any of his grievance(s) still subsists.

Needless to the mention that in the event of respondent No.1 approaching the Competent Authority for seeking redressal of his grievances, if any, the period during which the petition has remained pending before this Court, shall be taken into consideration for the purpose of computing limitation

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and the petition/application, if so filed by respondent No.1, shall be decided expeditiously and preferably within a period of two months from the date of effecting service upon the opposite party.

Allowed accordingly.

AUGUST 05, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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