

2024:PHHC:110644



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-23917-2022
Date of Decision: 23.08.2024**

PUNJAB STATE POWER CORPORATION LTD

... Petitioner

VERSUS

PERMANENT LOK ADALAT, BATHINDA AND ANR

... Respondents

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

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Ms. Hanima Grewal, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the ex-parte Award dated 10.03.2022 passed against the petitioner-Distribution Licensee, by the Permanent Lok Adalat (Public Utility Services) Bathinda and the petitioner has been directed to release the tubewell connection.

Learned counsel for the petitioner contends that there was no effective service on the petitioner and that even the terms of settlement were never reduced into writing nor sent to the petitioner. It is submitted that procedure u/s 22C (4) to (7) of the Legal Services Authorities Act, 1987 was to be mandatorily followed before adjudication could be done u/s 22C(8) of the Act of 1987. Non-compliance would render the award liable to be set aside. Hence this petition was filed.



On 18.10.2022, following order was passed by this Court, on the preliminary hearing of the case and while issuing notice of motion:-

“The instant writ petition has been filed under Articles 226/227 of the Constitution of India praying for the issuance of writ or directions in the nature of Certiorari to quash the orders dated 10.03.2022 passed ex-parte by the respondent No.1 (Annexure P-2) and the orders dated 12.07.2022 (Annexure P-4), whereby the application for setting aside the ex-parte orders dated 10.03.2022 has been dismissed by PMLA, Bathinda.

Learned counsel appearing on behalf of the petitioner contends that the petitioner-PSPCL was ordered to be proceeded against ex-parte vide order dated 21.12.2021 and that as per the law interpreted and explained by the Hon’ble Supreme Court in the judgment dated 19.05.2022 passed in Civil Appeal No. 3872 of 2022 titled as ‘Canara Bank versus G.S. Jayarama’, it was incumbent upon the Permanent Lok Adalat (Public Utility Service) to make an attempt at settlement of the dispute amongst the parties. It was thus incumbent that the Permanent Lok Adalat ought to have reduced the terms of conciliation/settlement amongst the parties and conveyed to the petitioner-PSPCL. Only upon a failure of the petitioner-PSPCL to respond to the said terms of settlement despite a reasonable period, could the Permanent Lok Adalat proceed further in the matter. He further contends that in this manner the ex-parte award has been passed against the petitioner without following the procedure prescribed under the law and without affording any effective opportunity to the petitioner to participate and the proceedings taking into consideration that service in question has undisputedly being effected upon the Upper Division Clerks and not on any of the parties.



Notice of motion.

Notice re: Stay as well.

In the meanwhile operation of the impugned awards dated 10.03.2022 and the order dated 12.07.2022 shall remain stayed till the next date of hearing.

To come up on 14.02.2023 for further consideration.”

Learned counsel for the respondents however contends that it is a case of grave harassment to the respondent-applicant, who is still pursuing her case for seeking release of an electricity connection even though a period of more than a decade has elapsed.

Counsel for the petitioner however responds that the respondent-applicant had approached the Permanent Lok Adalat after a delay of nearly 14 years and as such, the delay in release of the electricity connection, if any, cannot be attributed to the petitioner-Distribution Licensee. Further, he contends that the mandate of terms of settlement to be sent to the parties has to be prescribed, as per the law laid down by the Hon'ble Supreme Court and the above argument of delay cannot be the basis to violate the mandatory statutory requirements.

Counsel for the respondent-applicant is not in a position to controvert that the terms of settlement had not been sent to the petitioner and that the procedure adopted by the Permanent Lok Adalat (Public Utility Services) Bathinda would be hit by the judgment of the Hon'ble Supreme Court

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in the matter of '*Canara Bank Vs. G.S. Jayarama*' passed in *Civil Appeal No.3872 of 2022*.

Accordingly, without commenting on the merits of the present case, lest it may prejudice the respective rights of the parties, the present writ petition is allowed. The Award dated 10.03.2022 passed by the Permanent Lok Adalat (Public Utility Services) Bathinda in Application No.509 of 2021 titled as 'Gurmel Kaur Versus Punjab State Power Corporation Limited and another' is set aside. The matter is remanded to the Permanent Lok Adalat (Public Utility Services), Bathinda and the parties are directed to appear before the Permanent Lok Adalat (Public Utility Services), Bathinda on 30.09.2024, whereupon the proceedings in accordance with law shall be initiated. The Permanent Lok Adalat (Public Utility Services), Bathinda shall make every endeavour to decide the Application as expeditiously as possible and preferably within a period of four months from the date of appearance of the parties.

AUGUST 23, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No