



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-21089-2024

Date of decision: 29.08.2024

SAMEER SOOD

.....Petitioner

VERSUS

PERMANENT LOK ADALAT AND OTHERS

.....Respondents

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

Present:- Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the Award dated 04.06.2024 (Annexure P-9) passed by Permanent Lok Adalat (Public Utility Services), Hoshiarpur in application No. 106/2019 titled as ***“Sameer Sood versus Punjab State Power Corporation Ltd. and another”***.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is running a poultry farm under the name and style of “Sood Poultry” at Village Bassi, District Hoshiarpur and is a consumer against electricity connection in M.S. Category under sanctioned load of 93.898 KV. He contends that the petitioner has been regularly paying his bill and has never indulged in misuse of the electricity. He states that the petitioner was served by the respondents



for bill to the tune of Rs. 10,90,860/- on 21.10.2019 even though the petitioner was never in default of any payment or of any of the arrears. Aggrieved thereof, the petitioner approached the Permanent Lok Adalat (Public Utility Services), Hoshiarpur wherein the respondent-distribution licensee had taken up a specific objection with respect to maintainability of the proceedings before the Permanent Lok Adalat under Section 22-C of the Legal Services Authorities Act, 1987 on the ground that the dispute was a billing dispute and was not in the nature of a supply dispute and as such, the Permanent Lok Adalat have no jurisdiction to examine the dispute. He contends that without actually advertent to the aforesaid objection, the respondent-Permanent Lok Adalat proceeded on the merits of the case and thereafter dismissed the application preferred by the petitioner.

3. The counsel has been specifically confronted as to whether the proceedings before the Permanent Lok Adalat in relation to a billing dispute were maintainable or not. He fairly concedes the the same were not maintainable but in any case, the Permanent Lok Adalat took cognizance of the matter and has returned a finding against the petitioner which shall gravely hamper his prospects in the event of the petitioner approaching the competent authority i.e. the Consumer Grievance Redressal Forum for settlement of the said dispute. He further contends that the initial amount assessed was approximately Rs. 10,90,000/- and that in order to show his bona fide, he is ready and willing to deposit a sum of Rs. 6.50 lacs within a period of one week



for adjudication of the billing dispute. He contends that till his prayer for interim is not considered by the Consumer Grievances Forum, the disconnection of the electricity supply and recovery of the said dues may be stayed.

4. I have heard learned Counsel appearing on behalf of the petitioner and have noticed that the specific objection raised by the respondent-distribution licensee in relation to the jurisdiction of the Permanent Lok Adalat in billing matters has not been examined by the Permanent Lok Adalat and it adjudicated the dispute on merits.

5. The Legal Services Authorities Act, 1987 confers a restricted jurisdiction on Permanent Lok Adalat (Public Utility Services) in relation to the disputes pertaining to Electricity, as has been defined under Section 22-A (b) of the Legal Services Authorities Act, 1987. From the bare perusal of the same it is evident that the jurisdiction is conferred only in relation to “supply of Electricity” by an establishment. The dispute in the present case is in relation to a billing dispute and is conceded by the Counsel to be a dispute not pertaining to supply of power.

6. Consequently, the Permanent Lok Adalat (Public Utility Services) did not have jurisdiction to examine the said issue and the competent statutory forum for adjudication of the said dispute is the Consumer Grievances Redressal Forum at the first instance under Section 42 (5) of the Electricity Act, 2003. Hence, the proceedings before the Permanent Lok Adalat are bad for want of jurisdiction.



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the Counsel appearing for the petitioner, I am of the opinion that the Award suffers from defect of jurisdiction. Hence, the findings recorded on merits are liable to be set aside. The application filed before the Permanent Lok Adalat (Public Utility Services) is hence ordered to be treated as dismissed on the ground of maintainability only. Liberty is granted to the petitioner to move an appropriate application before the Consumer Grievance Redressal Forum for seeking adjudication on the billing dispute as per the Electricity Act, 2003 and the regulations framed thereunder.

8. In the event of the petitioner depositing the amount of **Rs. 6.50 lacs within a period of one week** from today with respondent distribution licensee, disconnection of the electricity supply to the premises shall remain stayed till consideration of the application for grant of interim relief or one month of the receipt of a certified copy of this order, whichever is earlier.

9. The present writ petition is hence disposed of in *limine*.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 29, 2024

Vishal sharma

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