



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CWP-23345-2024 (O&M)
Date of decision: 13.09.2024

Punjab State Power Corporation Ltd. and another

...Petitioners

VERSUS

Permanent Lok Adalat (Public Utility Services), Sangrur and another

...Respondents

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

Present :- Mr. Munish Gupta, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 06.08.2024 (Annexure P-12) vide which application for restoration of electric connection of respondent No.2 has been allowed subject to payment of Rs.1,15,278/- by ignoring that it is in arrears to the tune of Rs.3,37,354/-.

2. Learned counsel for the petitioner-Distribution Licensee contends that respondent No.2-complainant had obtained electricity connection bearing No.L85MS850200L but continued to default in payment of bills regularly. He opted for OTS scheme twice, firstly in the year 2017 and thereafter in the year 2018, however, he defaulted in payment of the dues in terms of the said OTS scheme on both the occasions. On the failure of respondent No.2 to comply with the terms and conditions of the OTS scheme, the electricity supply was disconnected whereupon he preferred an application before Permanent Lok Adalat (Public Utility Services) for



restoration of the electricity connection. An interim order was passed by the Permanent Lok Adalat (Public Utility Services) on 18.01.2019 directing respondent No.2 to deposit half of the bill amount and in the event of such a deposit, the petitioner-Distribution Licensee was directed to refrain from disconnecting its electricity supply. A further direction was issued that respondent No.2 would continue to deposit the subsequent consumption charges.

3. The petitioner-Distribution Licensee appeared before the Permanent Lok Adalat (Public Utility Services) and apprised that the charges to the tune of Rs.5,29,030/- were outstanding against the said respondent and that it is avoiding the payment of the statutory dues. Despite the objections, no effective proceedings could take place during the Covid-19 period and the complaint was dismissed for non-prosecution vide order dated 09.04.2021. Thereafter, an application for restoration of the application was moved by respondent No.2 to which reply was filed by petitioner-Distribution Licensee giving details of the outstanding amount(s) and opposing restoration of the application. The objections of the petitioners were dismissed and the application was restored by the Permanent Lok Adalat (Public Utility Services).

4. It is further submitted that after restoration of the application, another miscellaneous application was moved by respondent No.2 seeking restoration of the electricity connection. In reply, it was apprised by petitioner-Distribution Licensee that a total amount of Rs. 3,94,074/- was still due against respondent No.2 and that unless the arrear was cleared, the



connection could not be restored. Nonetheless, by referring to the initial interim order dated 18.01.2019 and noticing that the consumer had deposited Rs.1,34,600/- and that the same was adjusted against the arrears, the interim relief was extended to respondent No.2 subject to the said respondent depositing a further sum of Rs.1,15,278/-. Learned counsel for the petitioner fairly concedes that the aforesaid amount has already been deposited by respondent No.2.

5. Since the present writ petition had been filed against the order granting interim indulgence, the challenge has to overcome the trident test. The triple test for an interim relief is (i) prima facie case; (ii) balance of convenience; and (iii) an irreparable loss or injury. Even though the petitioners contend that they have some weightage on the first two aspects, however, so far as the scale of irreparable loss and injury is concerned, the same lies in favour of respondent No.2.

6. Since a discretion has been exercised by the Permanent Lok Adalat (Public Utility Services), being guided by the principles enshrined under Section 22D of the Legal Services Authorities Act, 1987, I do not deem it appropriate at this juncture to interfere with the discretion. The present writ petition is accordingly **dismissed**, however, taking into the consideration that the matter pertains to the year 2019 and has remained pending for long and also that the statutory dues that are being claimed by the petitioner-Distribution Licensee, the Permanent Lok Adalat (Public Utility Services) is directed to decide the main application expeditiously and preferably within a period of 4 months of the date next fixed before it.



7. At this stage, learned counsel for the petitioner also contends that some extra period be granted to them for restoration of the electricity supply to comply with the interim order of Permanent Lok Adalat (Public Utility Services).

8. Considering the totality of circumstances, let the petitioner-Distribution Licensee restore the electricity supply within a period of 15 days from today.

(VINOD S. BHARDWAJ)
JUDGE

13.09.2024
Mangal Singh

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