

2024.PHHC.143015



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-23941-2024
Date of Decision: 25.10.2024

HARJINDER SINGH

... Petitioner

VERSUS

PERMANENT LOK ADALAT (PUBLIC UTILITY SERVICES),
HOSHIARPUR AND OTHERS

... Respondents

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

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

Mr. Baljinder Singh, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the impugned Award dated 26.02.2024 (Annexure P-1) passed by respondent No.1- Permanent Lok Adalat (Public Utility Services), Hoshiarpur dismissing the application preferred by the petitioner under Section 22-C of the Legal Services Authorities Act, 1987.

Briefly summarized, the facts of the present case are that the petitioner claims to have been posted as a Surveyor in Bhogpur Co-operative Sugar Mill Ltd. He was served with a Memo bearing No.709/10 dated 11.07.2019 for causing damage to the electricity wires and poles and was directed by the officials of the respondent-Distribution Licensee to pay a sum of Rs.19,000/- as fine for causing the abovementioned loss and that in the event of failure to pay the same within two days, an appropriate action with respect to the same shall be taken. The petitioner claims to have met the officials of

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respondent-Distribution Licensee and asked for the details of the loss assessment and to hold an inquiry into the matter since, it was averred that false and frivolous allegations had been levelled against him. The said request had, however, been ignored and the order was sought to be enforced. The amount as demanded was, however, deposited by the petitioner against a valid receipt but under protest and without prejudice to his rights.

Challenging the said act of raising a demand, the application under Section 22-C of the Legal Services Authorities Act, 1987 was instituted by the petitioner before Permanent Lok Adalat (Public Utility Services), Hoshiarpur.

The respondent-Distribution Licensee entered appearance and submitted that a letter was received by it from one Darshan Singh on 06.07.2019 to the effect that the petitioner had brought a machine for installation of tubewell in his fields and the said machine belonged to one Dilbagh Singh. Due to the said machine striking against the electricity lines, damage was caused to the property of the respondent-Distribution Licensee, for which a departmental inquiry was conducted by Rajinder Singh, J.E., who prepared the estimate of loss to the tune of Rs.18,297/-. Accordingly, a notice was served upon the petitioner to deposit the same and that there was no occasion for humiliation of the petitioner or for receiving any excess amount. The petitioner duly deposited the said amount as an admission and acknowledgment of his misconduct.



Efforts for amicable resolution of the dispute failed to fructify in any acceptable settlement, whereupon adjudication under Section 22-C (8) of the Legal Services Authorities Act, 1987 was undertaken.

The parties led their respective evidence and on consideration thereof, the Permanent Lok Adalat (Public Utility Services), Hoshiarpur dismissed the application by recording as under:

"8. As per oral as well as documentary on record. It has come on the record that the applicant received notice dated 16.07.2019 for a sum of Rs.18297/- for damage of electrical pole and wires. It has also come on record that the applicant deposited the same with respondent no.3

The applicant has not disputed that he has not installed the tubewell on his land. It has come on record that on the basis of Ex.R-4 the respondent made the enquiry which was conducted by the JE concerned and he found a sum of Rs. 18297/- is liable to be recovered from the applicant for the damage to electrical line and pole. The applicant has deposited the same vide receipt Ex.A-5 on dated 16.07.2019.

9. Now the applicant has filed the present application for the refund of Rs. 19000/- which he had deposited with the department. The applicant come with the plea that he deposited the amount under pressure as the department threaten him to take legal action against him, he further alleged that when he demanded the copy of the complaint. The department also refused to hand over the same when he applied under RTI act despite that the complaint was not given to him as per perusal of Ex.A-6 where the department has mention in the reply given under RTI act that the complaint has already given in written to the department that his name will not be



disclose nor copy of complaint be given to anyone. Therefore, department under section 8 (1) of the RTI refused to give the copy of the complaint to the applicant. Therefore, we are of the opinion that it is the prerogative of the complaint whether the copy be supplied to anyone or not. The main dispute is regarding the damage of the property of the respondent no.1. The applicant nowhere stated that he has not installed the tubewell nor the damaged property of the department nor he made any complaint to higher authority regarding his innocence but deposited the amount on the same day when he received the letter dated 16.07.2019 and he deposited the amount of Rs.18297/-. The applicant has nowhere pleaded the documents refer to in written statement by the respondents are false. Since the applicant placed on record his affidavit alongwith affidavit of Jaswal Singh and according to him he had not seen any person or labour to brought any machine for installation of the tube well but the complainant written to the department that the wires will be corrected and supply will be given to him so his crop will not be damaged on which basis the enquiry was conducted and damaged was found. The applicant has also nowhere denied that the JE concerned has not visited on the spot and made the enquiry the applicant in our opinion produced half baked evidence which is not enough to discard and rebut the content and reliable evidence of the respondent.

To sum up in our opinion that the applicant has not been able to show that memo no.709 dated 11.07.2019 are wrong and illegal rather on the contrary respondent able to show that on basis of letter date 11.07.2019. The applicant has deposited an amount of Rs. 18297/- therefore, we don't find any merit in the case set up by the applicant, hence Award is declined. The file



after completion be consigned to the record room. Copies of order be supplied to the parties free of cost."

Aggrieved of the same, the present writ petition has been filed.

Counsel for the petitioner has reiterated his submissions about the demand being wrongly made and he having deposited the amount under the compelling circumstances.

On the other hand, learned counsel for respondents No.2 to 4, however, contends that the Permanent Lok Adalat (Public Utility Services), Hoshiarpur did not have any jurisdiction to entertain the application filed by the petitioner and that the application has rightly been dismissed.

He further contends that nonetheless, the case was examined on merits and it was specifically noticed that the petitioner never denied the factum of installation of tubewell or bringing the machinery to his fields. Even the enquiry report of the Junior Engineer was not disputed. The demand was thus held valid and no evidence or witness has been produced to discredit the same.

No other argument has been raised nor any law cited.

When the matter came up for hearing before this Court on 19.09.2024, the counsel for the petitioner was asked to respond to a query as to how the Permanent Lok Adalat (Public Utility Services), Hoshiarpur would have jurisdiction to examine the issue pertaining to the damages suffered by the respondent-Distribution Licensee on account of the machine brought by the petitioner to his fields for installation of tubewell. Since the jurisdiction of Permanent Lok Adalat (Public Utility Services) is limited only to "supply of



electricity” and since the petitioner was neither a consumer of respondent-Distribution Licensee nor was he availing supply of electricity in the context of damages, it cannot be said that there existed a relation of 'service recipient' and 'service provider' between the petitioner and the respondent-Distribution Licensee. No generic power pertaining to all matters relating to electricity has been vested with the Permanent Lok Adalat and the jurisdiction being qualified, there had to be a supply dispute and not a dispute pertaining to recovery of the loss for damage caused to the distribution infrastructure of the licensee.

He sought for some time to assist this Court. The matter was thereafter adjourned for 25.10.2024.

On resumed hearing, he is not in a position to support that Permanent Lok Adalat had jurisdiction to adjudicate a damage dispute and that he could not support vesting of jurisdiction upon the Permanent Lok Adalat (Public Utility Services) in such a case.

Under the given circumstances, I am, *prima facie*, of the opinion that the dispute in question was not in relation to “supply of electricity” and was rather a damage claim and that the same was hence not amenable to the jurisdiction of the Permanent Lok Adalat (Public Utility Services). Other issues thus need not be examined on merits.

The present writ petition is accordingly dismissed.

Needless to mention that dismissal of the present writ petition shall not operate as a bar against the petitioner in taking recourse to his alternative



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statutory remedies, for seeking redressal of his grievance, in accordance with law.

The period spent in pursuing the present remedy shall, however, be taken into consideration while computing limitation.

25.10.2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*