



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 2853 of 2024 (O&M)

Date of Decision: 04.02.2025

Madad Gaushala, Kalayat

... Appellant(s)

Versus

S.D.O. Operation, Sub Division, UHBVN, Kalayat and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chander Pal Tiwana, Advocate
for the appellant.

Mr. B.R.Mahajan, Senior Advocate
with Mr. Anil Chawla, Advocate
for the respondents.

Anil Kshetarpal, J.

CM-11790-C-2024

1. For the reasons stated in the application, the same is allowed and delay of 270 days in refiling the appeal is condoned.

RSA-2853-2024

2. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

3. The plaintiff assails the concurrent findings of facts arrived at by both the Courts below while dismissing its suit for the grant of

declaration that the electricity bill amounting to ₹80,471/- is illegal. The defendants contested the suit on the ground that the plaintiff has failed to pay the electricity consumption bill after March 2015, which ultimately led to the permanent disconnection of its electricity connection.

4. The bill is reflecting the arrears of the electricity consumption dues. Both the Courts below have found that the electricity bill is with respect to the electricity consumption dues, sundry charges and penalty which are payable as per law.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

February 04, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No