



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 672 of 2020 (O&M)

Date of Decision: 04.02.2025

Ram Charan Yadav

... Appellant(s)

Versus

Dakshin Haryana Bijli Nigam and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jai Bhagwan and Mr. Sandeep Kumar Rana, Advocates
for the appellant(s).

Mr. R.S.Longia and Mr. Subhash Saini, Advocates
for the respondents.

Anil Kshetarpal, J.

1. 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*.

2. The plaintiff assails the concurrent findings of facts arrived at by both the Courts below while dismissing his suit for the grant of decree of declaration that the invoice for payment of the electricity consumption dues issued by the respondents is illegal. It has come on the record that a new C.T. Meter was installed in the premises of the appellant. Multiplier of 20 was required to be applied to know the actual electricity consumption factor.

However, due to a clerical mistake, the defendants previously raised the bills

by applying a multiplier of 1 instead of 20. The electricity supply company overhauled the bill after noticing the aforesaid discrepancy. Thus, the correct electricity consumption bill was issued which the appellant failed to pay.

3. The learned counsel representing the appellant submits that the payment of electricity consumption bills was made with respect to the unrevised bills. He further submits that the fault lies with the officials of the respondents and hence, the appellant cannot be made to pay the amount.

4. To err is human. In this case, the defendant/respondents have proved that due to a clerical mistake, the correct multiplier was not applied. The appellant wishes to invoke the rule of estoppel. However, he has failed to prove the necessary ingredients required for the application of principle of estoppel. The appellant has failed to prove as to how much he has changed his position on the representation of the respondents.

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.

5. 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