



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-2350-2022(O&M)
Date of decision: 03.12.2025

Executive Officer, Nagar Panchayat, Dhilwan, District Kapurthala and
another

... Appellants

Versus

Assistant Executive Engineer, Punjab State Power Corporation Ltd.

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Kuljeet Singh Sidhu, Senior Advocate, with
Mr. Angad Chahal, Advocate,
for the appellants.

VIKRAM AGGARWAL, J.

CM-8123-C-2022

1. Prayer in the present application preferred under Section 151
CPC is for condonation of delay of 1144 days in refiling the appeal.

2. Heard.

3. For the reasons mentioned in the application, which is duly
supported by an affidavit, the same is allowed. The delay of 1144 days in
refiling the appeal is condoned.

CM-8125-C-2022

4. Prayer in the present application preferred under Section 5 of
the Limitation Act, 1963 read with Section 151 CPC is for condonation of
delay of 24 days in filing the appeal.

5. Heard.

6. For the reasons mentioned in the application, which is duly



supported by an affidavit, the same is allowed. The delay of 24 days in filing the appeal is condoned.

RSA-2350-2022 (O&M)

7. This is plaintiffs' appeal preferred against the judgment and decree dated 05.10.2018, passed by the Court of Additional District Judge, Kapurthala, dismissing the appeal filed by the plaintiff against the judgment and decree dated 22.07.2018 passed by the Court of Civil Judge (Jr. Division), Kapurthala, vide which the suit for declaration and for permanent injunction instituted by the plaintiffs was dismissed.

8. For the sake of convenience, parties shall be referred to as per their original status.

9. The plaintiffs instituted a suit for declaration and permanent injunction. The case set up by the plaintiffs was that they received various bills, as detailed in the headnote of the plaint, from the defendant department, which allegedly included illegal sundry charges. It was further alleged that the plaintiffs addressed two letters for summary of sundry charges to the defendant dated 07.02.2013 and 08.02.2013, but the defendant furnished only vague replies. The plaintiffs further averred that they had sent a cheque for ₹79,075/- to the defendant department towards the current electricity consumption, but the same was refused by the department. The plaintiffs also averred that no opportunity of hearing was afforded to them prior to the imposition of the sundry charges, nor were any objections invited from them. It was also alleged that when the plaintiffs requested the defendant department to correct the impugned bills, the department insisted



on recovering the entire amount and threatened disconnection of the electricity supply.

10. The suit was opposed by the defendant by way of a written statement, in which all the allegations levelled by the plaintiffs were denied and several preliminary objections as regards the maintainability of the present suit, that the suit had been filed by unauthorized persons, that it was bad for non-joinder of necessary parties, and that the plaintiffs' claim was barred by estoppel and devoid of any cause of action, were raised. It was further averred that the plaintiffs had, in the past as well, been paying the annual consumption charges at the end of each calendar year on the basis of the difference between their actual consumption and the stipulated units. The defendant also asserted that in 2010, the plaintiffs had challenged similar charges before the District Consumer Forum, but their objections were dismissed, thereby affirming their liability to pay the charges. On merits, the defendant denied all remaining allegations in the plaint as incorrect, while reiterating the position set out in the preliminary objections. They further stated that the cheque tendered by the plaintiffs was refused only because it constituted a mere part payment of the total dues. It was also asserted that the defendant had already responded to the plaintiffs' grievance vide Memo dated 11.10.2013, supplying the details of the sundry charges, but the plaintiffs did not respond to the same.

11. From the pleadings of the parties, following issues were framed:-

“i. Whether the plaintiffs are entitled to the relief of declaration, as prayed for? OPP



- ii. Whether the plaintiffs are entitled to the relief of permanent injunction, as prayed for? OPP**
- iii. Whether the suit is not maintainable in the present form? OPD**
- iv. Whether the plaintiffs have got no locus-standi or cause of action to file the present suit? OPD**
- v. Whether the suit is bad for non-joinder of necessary parties? OPD”**

12. Parties let their respective evidence.

13. The trial Court dismissed the suit filed by the plaintiffs vide judgment and decree dated 22.07.2018 and the appeal preferred against the same was also dismissed vide judgment and decree dated 05.10.2018, leading to the filing of the instant appeal.

14. Learned Senior counsel representing the appellants submits that both the Courts have committed a grave error of law in dismissing the suit of the appellants-plaintiffs. It is contended that the facts and the evidence duly led on the record have not been appreciated in their correct perspective. Certain facts, which are not only relevant but go to the root of the matter, have been completely ignored, as a result of which the decision of both Courts is completely unsustainable. It is further submitted that both Courts have committed a legal error in not considering the documentary evidence produced by the appellants, which had been duly proved in accordance with law.

15. I have considered the submissions made by learned counsel for the appellants.



16. Clause SVII.6 of Electricity Supply Instructions Manual of PSPCL reads as under:-

“SVIL6 Annual Minimum Charges:-

"If the total number of units consumed in the whole year (calendar year) are less than those would have been consumed if the lamps had been lit on an average of 8 hours per night over the whole year, the PSPCL shall charge for the different between the stipulated units and units actually consumed at tariff rates. The units which would have been consumed in a calendar year shall be calculated on the basis of sanctioned load or connected load detected whichever is higher. The Annual Minimum Charges shall be exclusive of line maintenance and lamp renewal charges."

17. A perusal of the aforesaid clause clearly lays down that if the total number of units consumed in one calendar year are less than those which would have been consumed if the lamps had been lit on an average of 8 hours per night for the whole year, the difference between the stipulated units and the units actually consumed at the tariff rates would be charged. It, therefore, means that the annual minimum charges would be payable if the actual bill was less than the annual minimum charges.

18. First of all, this clause was not challenged by the plaintiffs. Factually, it is an admitted case that the units consumed by the plaintiffs in the whole year were less than the stipulated units. Under the circumstances, the action of the defendants in charging the annual minimum charges cannot be said to be illegal or unjustified.



19. As regards the grievance that the action of the defendants was violative of principles of natural justice, as such charges were never conveyed to the plaintiffs and were straightaway added in the bill, concededly, memo No.110, dated 11.01.2013 (Ex.DW1/2) was issued to the plaintiffs intimating that a sum of Rs.2,27,765/- calculated for stipulated units on annual minimum charges, after subtracting the amount already paid, was issued to the plaintiffs. However, no reply was given by the plaintiffs to the same. The plaintiffs can not, therefore, contend that they had not been provided any opportunity to contest the said claim.

20. Learned counsel representing the appellants has not been able to point out any error of law or facts in the judgments under challenge.

21. That being so, the present appeal is found to be bereft of merit and is accordingly dismissed.

22. Pending application(s), if any, also stands disposed of.

(Vikram Aggarwal)
Judge

December 3, 2025

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No