2025:PHHC:080674

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

RSA-1451-2022
Date of decision : 15.05.2025

Dakshin Haryana Bijli Vitran Nigam Ltd.through its SDO, and another
....Appellants

Versus

R.K. Jain ....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.K. Mahajan, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

Defendants are in second appeal.

2. For convenience, the parties hereinafter are referred to by their original position before the Trial Court, i.e., the appellants as defendants and the respondent as plaintiff.

3. Plaintiff filed suit for declaration to the effect that the monthly consumption bills from May, 2015 to March, 2016 raised by defendants are wrong, null & void and illegal. Further, declaration was sought to the effect that the demand of Rs.5,65,428/- raised by defendants in bill dated 10.03.2016 is illegal, null and void. Further, relief of permanent injunction was sought restraining defendants from recovering the aforesaid amount of Rs.5,65,428/-.

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4. As per claim of the plaintiff, he is consumer of energy under the defendants and has sanctioned load of 50 KW. CT/PT energy meter installed in the premises of the plaintiff was replaced by defendants on 26.03.2015 after the same was rendered defective. Plaintiff claims that bill dated 07.05.2015 was raised for an amount of Rs.1,21,530/- without meter reading. Plaintiff further claims that part thereof was paid. Again on 07.06.2015 another bill amounting to Rs.1,48,281/- was received. Plaintiff claims that defendants started raising consumption charges on KVAH meter reading without any intimation to the plaintiff which he continuously paid till June, 2015. Further grievance is against the bill raised from July to March, 2016 claiming that the same is abnormal and excessive. An amount of Rs.1,34,484/- was debited in the monthly bill dated 10.07.2015 without any show cause notice to the plaintiff. Plaintiff further claims that not more than 1 KW of load was consumed from April, 2015 to November, 2015 still hefty consumption charges were raised. The electricity connection of the plaintiff was temporarily disconnected in the month of November, 2015 when the final KVAH meter reading was 3859.98. On 20.03.2016 energy meter was showing 3911.3 units without any electricity supply. Energy meter thus recorded 51.32 units without there being any supply and the plaintiff is being forced to pay outstanding consumption charges of Rs.5,65,428/- vide bill dated 10.03.2016.

5. Suit was contested by the defendants. Defendants claimed that the bill was sent to the consumer as sundry charges in terms of Sales

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Circular No.D-13/2015, dated 18.05.2015. Revised Schedule of Tariff approved by HERC for Distribution and Retail supply of electricity was issued which was made applicable w.e.f. 01.04.2015. Notices were sent to different types of association for information to be noticed by individuals through these organizations. Bill of Rs.1,48,281/- has been correctly raised as per change of tariff from KWH to KVAH in terms of sales circular D-13/2015.

6. On the basis of pleadings, Court of the First Instance framed the following issues:

> "1. Whether the plaintiff is entitled to a decree of declaration, as prayed for? OPP
> 2. Whether the plaintiff is entitled for a decree of permanent injunction as prayed for? OPP
> 3. Whether the suit of the plaintiff is not maintainable in the present form? OPD
> 4. Whether the plaintiffs has no cause of action and no locus standi to file the present suit? OPD
> 5. Whether the plaintiffs has filed the present suit only to harass and humiliate the defendants? OPD
> 6. Relief."

7. While deciding Issues No.1 and 2, the Court found that admittedly plaintiff's electricity connection was temporarily disconnected in the last week of November, 2015. Meter reading was 3859.98. However, without there being any supply the meter reading swelled to 3911.3 which is evident from Exhibit P-6. Finding that the defendants failed to show the

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actual consumption of electricity at the end of the plaintiff, the Court of the First Instance decreed the suit filed by the plaintiff.

8. Aforesaid findings stand affirmed by the Lower Appellate Court.

9. After hearing counsel for the appellants and after carefully perusing the records of the case, this Court finds that though the defendants are within their right to change tariff from KWH to KVAH after the same stands approved by the Statutory Body, i.e. Regulatory Commission, however, defendants failed to account for increase in the meter reading despite there being no supply after the connection to the plaintiff was temporarily disconnected in the month of November, 2015.

10. Counsel for the appellants has very fairly conceded that there is no explanation adduced in the pleadings or evidence brought on record by the appellants to account for the increase in meter reading without consumption.

11. In view thereof, this Court finds that there being pure findings of fact have been recorded by the Courts below which need no interference. Finding no merit in the instant appeal, the same is ordered to be dismissed.

12. Pending application(s), if any, shall also stand disposed off.

May 15, 2025 **(Pankaj Jain)**
Dpr **Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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