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Date of Decision: 25.05.2026

Versus

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of award dated 05.01.2026 whereby Permanent Lok Adalat, Panchkula (for short 'PLA') has allowed petition of respondent No.2-M/s Krishna Screening Plant.
2. The petitioner is a Public Sector Undertaking of State of Haryana. It is engaged in the supply of electricity. Its officials visited premises of respondent No.2 and found that meter installed in its premises was operating slow by 62.09%. The petitioner issued memo dated 02.08.2023 raising demand of ₹5,53,596/-. The respondent approached learned PLA seeking setting aside of demand notice. The petitioner filed reply. Learned PLA framed issues for settlement. The parties could not amicably settle the issue, thus, learned PLA adjudicated the matter on merits. Learned PLA has rejected contention of the petitioner that dispute between the parties was purely relating to billing, thus, learned PLA has no jurisdiction under Section 22C of Legal Services Authorities Act, 1987 (for



short '1987 Act') to adjudicate the dispute. Learned PLA has rejected petitioner's contention on the ground that billing is part of supply of electricity, thus, learned PLA has jurisdiction. Learned PLA has also relied upon instructions issued by National Legal Services Authority or Haryana State Legal Services Authority.

3. Learned counsel for the petitioners submits that as per Section 22A(b)(iii) of 1987 Act, '*Public Utility Service*' means '*supply of power, light or water to the public by any establishment*'. The expression '*supply of power, light*' has been used in aforesaid Section which by no stretch of imagination can include billing for supply of electricity. A Coordinate Bench of this Court in ***Uttar Haryana Bijli Vitran Nigam Limited and others v. M/s Roop Kamal Stone Crusher & another, CWP No.6284 of 2021; Uttar Haryana Bijli Vitran Nigam Limited v. The Indian Express Pvt. Ltd. and another, CWP No.16035 of 2024; Sameer Sood v. Permanent Lok Adalat and others, CWP No.21089 of 2024; and Manmohan Singh v. Permanent Lok Adalat and others, CWP No.19355 of 2023*** has held that '*supply of electricity does not include billing dispute*'. As per Section 42 of Electricity Act, 2003 (for short '2003 Act'), an alternative dispute redressal mechanism in the form of Consumer Grievance Redressal Forum and Electricity Ombudsman is available. Being a technical dispute, the Legislature intentionally has provided alternative mechanism for billing dispute.

4. Heard the arguments and perused the record.

5. The sheet-anchor of argument of learned counsel for the petitioner is the decisions of this Court in aforesaid cases. Similar argument was raised before learned PLA which has rejected on the ground that all the



orders of this Court are based upon reading of Section 42 of 2003 Act. Section 42(8) has not been brought in the knowledge of Court. As per Section 42(8), the remedies provided under sub-sections (5), (6) & (7) are without prejudice to rights which the consumer may have apart from the rights conferred upon him by those sub-sections. Learned PLA has further held that National Legal Services Authority has issued instructions to all the Secretaries of the State Legal Services Authorities to the effect that dispute relating to Public Utility Service such as electricity and water bills should also be taken up in the National Lok Adalat. Haryana State Legal Service Authority has also issued instructions to the effect that electricity bills be put up in the Lok Adalat to settle the disputes amicably. PLA has further held that as per Section 25 of 1987 Act provisions of this Act carry overriding effect. A Division Bench of this Court vide judgment dated 09.07.2013 in ***Uttar Haryana Bijli Vitran Nigam Ltd. v. Harjit Singh, CWP No.14405 of 2013*** has held that a consumer may avail remedy of Civil Suit despite availability of alternative remedies provided under Section 42(5), (6), (7) of 2003 Act.

6. As per judicial precedents and principles of consistency & uniformity, in case any Bench forms an opinion different from the opinion formed by another Bench of equal strength, the matter must be referred to Bench of larger strength, however, in the present case, this Court finds that Section 42(8) of 2003 Act was not brought in the knowledge of Coordinate Bench, thus, it was held that in view of availability of alternative remedy, PLA has no jurisdiction to entertain billing dispute. Section 42(8) of 2003 Act clearly provides that provisions of sub-sections (5), (6), (7) shall be without prejudice to rights which the consumer may have apart from the



rights conferred by those sub-sections. Relevant extracts of Section 42 read as:

“42. (5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.”

[Emphasis supplied]

7. From the perusal of above-quoted section, it is evident that a consumer has remedy to approach Consumer Grievance Redressal Forum. He has remedy to file appeal before Ombudsman against order of Redressal Forum. The Haryana Electricity Regulatory Commission in Supply Code has notified different redressal forums i.e. Circle Grievance Redressal Forum, Zonal Grievance Redressal Forum, Corporate Grievance Redressal Forum etc. A consumer feeling aggrieved from decision of Redressal Forum may prefer an appeal before Ombudsman. Sub-section (8) clearly provides that remedies provided under sub-sections (5), (6) & (7) are without prejudice to rights of the consumer which he may have. The said sub-section makes it



clear beyond an iota of doubt that remedies provided under sub-sections (5), (6) & (7) are not exclusive or conclusive. The consumer has right to avail any other alternative remedy. It is apt to mention here that remedy to approach PLA is an exclusive remedy. A consumer, after approaching any Court or Authority, cannot approach PLA. No party to dispute before PLA can approach any Court. In view of mandate of Section 42(8), a consumer cannot be deprived from availing remedy of PLA on the ground that he has alternative remedy under Section 42(5), (6) & (7).

8. Section 25 of 1987 Act provides that provisions of this Act shall have overriding effect. Section 25 reads as:

“25. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

From the perusal of above quoted Section, it is evident beyond the pale of doubt that 1987 Act has overriding effect in case of inconsistency with any other law in force. Section 42(8) of 2003 Act gives passage to other laws whereas Section 25 of 1987 Act gives overriding effect. From the conjoint reading of both Sections, there remains no doubt that despite availability of remedy under Section 42(5) of 2003 Act, a consumer has right to approach PLA for a dispute relating to billing.

9. Section 22A(b) of 1987 Act defines expression ‘*public utility service*’. Section 22A(b) reads as:-

“22A(b) “public utility service” means any—

- (i) transport service for the carriage of passengers or goods by air, road or water; or*



- (ii) *postal, telegraph or telephone service; or*
 - (iii) *supply of power, light or water to the public by any establishment; or*
 - (iv) *system of public conservancy or sanitation; or*
 - (v) *service in hospital or dispensary; or*
 - (vi) *insurance service,*
- and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.”*

[Emphasis supplied]

10. As per aforesaid Section, the Central as well as State Government may by notification declare any service to be a Public Utility Service for the purposes of this chapter. The Central Government as well as State Governments by notifications have declared many services as Public Utility Services e.g. education or educational institutions, housing and real estate service, banking services etc. With respect to services included in the aforesaid Section, alternative remedies are available e.g. in case of insurance service, a consumer may approach Ombudsman or Consumer Disputes Redressal Forum under Consumer Protection Act. Similar is case of banking services. Despite availability of remedy to approach Ombudsman or Consumer Forum, an aggrieved person has remedy to approach PLA. The jurisdiction of PLA with respect to notified services is very limited. PLA cannot invoke its jurisdiction where value of property in dispute is more than ₹1 Crore. Similarly, it cannot invoke its jurisdiction in respect of any matter relating to an offence not compoundable under any law. It further cannot adjudicate a dispute on merit, if the dispute relates to any offence. Section



22C of 1987 Act reads as:-

“22C. Cognizance of cases by Permanent Lok Adalat

(1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it—

(a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;

(b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;



- (c) *shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.*
- (4) *When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.*
- (5) *The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.*
- (6) *It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.*
- (7) *When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.*
- (8) *Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the*



dispute does not relate to any offence, decide the dispute.”

[Emphasis supplied]

11. From the perusal of Section 22C(1), it is evident that there is monetary jurisdiction of PLA. It further cannot entertain any matter relating to an offence not compoundable under any law. It cannot adjudicate any matter on merits if dispute relates to any offence. The embargo created over jurisdiction of PLA makes it clear that PLA has been established to resolve small disputes. The object is to avoid nitty-gritties and lengthy procedure of Civil Court, reduce cost of litigation and expedite adjudication. If despite availability of alternative remedies an application before PLA for the dispute relating to Insurance or Housing can be filed, there seems no occasion to deprive a consumer from approaching PLA for disputes relating to ‘*billing*’ on the ground that alternative remedy under Section 42 of 2003 Act is available.

12. Section 22A(b)(iii) of 1987 Act uses expression ‘*supply of power, light*’. Expressions ‘*electricity*’, ‘*supply*’, ‘*power system*’ have been defined under Section 2 of 2003 Act, however, expressions ‘*power*’ and ‘*light*’ have not been defined either in 1987 Act or 2003 Act. In the obtained facts and circumstances, it would be appropriate to consider supply of electricity as supply of power or supply of light. Section 2(23), (50) and (70) are reproduced as below:

“2(23) “*electricity*” means electrical energy—

- (a) *generated, transmitted, supplied or traded for any purpose; or*
- (b) *used for any purpose except the transmission of a message;*



2(50) “power system” means all aspects of generation, transmission, distribution and supply of electricity and includes one or more of the following, namely:—

- (a) generating stations;*
- (b) transmission or main transmission lines;*
- (c) sub-stations;*
- (d) tie-lines;*
- (e) load despatch activities;*
- (f) mains or distribution mains;*
- (g) electric supply-lines;*
- (h) overhead lines;*
- (i) service lines;*
- (j) works;*

2(70) “supply”, in relation to electricity, means the sale of electricity to a licensee or consumer;”

13. There are three facets of electricity i.e. generation, transmission and distribution. As per Section 2(70) of 2003 Act, supply in relation to electricity means sale of electricity to a licensee or consumer. As per Section 2(23), electricity means generation, transmission, supply, trading of electric energy. The consumers are not concerned with generation and transmission of electricity, thus, Legislature in Section 22A(b)(iii) has used expression ‘*supply of power, light or water to the public by any establishment.*’ Generation and transmission are not relating to the public whereas distribution/supply is. Supply means sale of electricity. Sale cannot be interpreted to exclude billing which is an integral part of the sale. It is not confined to sale of electricity whereas in case of sale of any product, there is billing. Every dispute relating to bill/invoice is directly relating to supply i.e. sale of product. In the case of electricity as well, billing is an integral part of sale/supply. Therefore, this Court is of the considered opinion that a dispute



relating to billing is an integral part of supply of electricity.

14. Learned PLA while holding that it has jurisdiction to entertain disputes relating to billing has relied upon instructions issued by National Legal Services Authority and State Legal Services Authority. The instructions issued by aforesaid authorities cannot have overriding effect. The instructions can neither widen nor constrict jurisdiction of any Court or quasi-judicial authority. In any case, instructions issued by aforesaid authorities are relating to taking up of matters in the National Lok Adalat. These instructions are not relating to taking up of matter in Permanent Lok Adalat which has power to adjudicate dispute on merits. National Lok Adalat has no jurisdiction to adjudicate dispute on merits, thus, reliance upon instructions of aforesaid authorities is misconceived.

15. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

25.05.2026
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No