



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

**LPA No. 2968 of 2024 (O&M)
Date of Decision:26.05.2025.**

Narinder Kumar

.....Appellant

Versus

Permanent Lok Adalat (Public Utility Services), Patiala and others

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Saurabh Arora, Advocate
for the appellant.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 23.05.2024 passed by learned Single Bench, whereby CWP No. 12145 of 2024 filed by present appellant/writ-petitioner has been dismissed.
2. Brief facts necessary for adjudication of the matter are that appellant/writ-petitioner filed CWP No. 12145 of 2024 for setting aside award dated 28.02.2024, passed by learned Permanent Lok Adalat (Public Utility Services), Patiala [for short 'PLA(PUS)'], whereby application under Section 22 (C) of Legal Services Authorities Act, 1987, filed by appellant was dismissed.
3. Appellant/writ-petitioner claimed to be a consumer of respondent-Punjab State Power Corporation Limited (for short 'PSPCL').

Electricity connection No. 3000730812 was stated to be provided to appellant and he was regularly paying the electricity bills as per actual consumption. Meter installed at his premises was stated to be defective, thus reflecting incorrect consumption, therefore, respondent-PSPCL was requested to change the said meter, but to no avail. The meter was changed in the year 2018, but the new meter installed was also not reflecting the correct consumption and an incorrect reading was being generated, leading to incorrect bills with higher amount being issued to appellant. In view of the above, application under Section 22 (C) of Legal Services Authorities Act, 1987 was filed by appellant before PLA(PUS), Patiala.

4. The matter was contested by respondent-PSPCL on various grounds including preliminary objections regarding maintainability of the application. Respondent-PSPCL took a specific stand that material information had been concealed by appellant, who was stated to be a defaulter not having regularly deposited the amount due as per the bills since 2018. It was asserted that appellant, though a consumer of respondent-PSPCL had never approached for change of meter on the pretext that it was reflecting incorrect or excess reading. Details in this respect as reproduced in para 4 of impugned decision dated 23.05.2024 read as under:-

“xxxxxxx it was stated that the petitioner never approached for the change of the meter on the pretext that the same was giving wrong/excess reading, rather, he was told by the officials of the respondents/PSPCL that if a consumer does not have faith in the reading being recorded by the electricity meter, he has a right to challenge the same by depositing the requisite fee. It was further submitted that the bills dated 23.01.2018 and 17.01.2017 for a sum of Rs.3,410/- and Rs.5,620/- respectively were issued and even bill dated 22.12.2017 for a sum of Rs.2,720/- and bill dated 21.08.2018 for an amount of Rs.25,780/- were also

dispatched to the petitioner. The said bill did not show any excess reading, rather the same were sent on the basis of actual consumption and already included the arrears for the previous bills of Rs.9,121/- and that the petitioner did not regularly deposited the bills as raised by the respondents/PSPCL. The meter of the petitioner became defective only in the month of March 2018 and the same was changed on 05.04.2018 by installing a new meter vide MCO dated 22.03.2018. It was further averred that bill for the month of July 2018 for a sum of Rs.9,110/- was sent to the petitioner on the basis of actual consumption, however, the same was not deposited. Similarly, bill for the month of August 2018 for a sum of Rs.25,780/- on the basis of actual consumption including arrears of Rs.9,121/- and surcharge for previous months was sent to the petitioner, however, the petitioner deposited only a sum of Rs.8,000/- on 11.09.2018. Similarly, for the month of September, 2018, bill for a sum of Rs.22,640/- on basis of actual consumption of 636 units including the arrears of Rs.18,733/- along with surcharge of previous months after deducting Rs.8,000/- was sent, however, the petitioner again did not pay anything towards bill of September, 2018. Similarly, the bills for the month of October, 2018 for a sum of Rs.26,870/-; bill for the month of November, 2018 for a sum of Rs.30,160/-; bill for the month of December, 2018 for a sum of Rs.32,660/- which included the arrears along with surcharge of previous months were sent, however, the petitioner paid only Rs.6,580/- on 27.12.2018 and Rs.4,700/- on 30.01.2019. It is further averred that bill for the month of February, 2019 for a sum of Rs.27,470/- after deducting Rs.6,580/- and R.4,700/- deposited by petitioner was sent, however, the petitioner again did not pay anything towards bill of February, 2019. Bill for the month of March, 2019 for a sum of Rs.30,170/- and bill for the month of April, 2019 for a sum of Rs.33,230/- was sent, however, the petitioner did not pay anything towards bill of March, 2019. It is further averred that thereafter the bills were issued to the petitioner on the basis of actual consumption including the arrears, but the petitioner

deposited only less/incomplete bills and therefore, petitioner is defaulter in making the payment and latest bill for the month of August, 2021 for a sum of Rs.48,990/- on basis of actual consumption of 902 units including the arrears of Rs.43,331/- along with surcharge of previous months was sent, however, the petitioner paid only Rs.5,570/- on 25.08.2021. It is averred that Meter was installed/changed in the month of April 2018 and is giving correct reading. No bill was issued on the basis of average consumption. The bill(s) were issued as per actual consumption and the petitioner is a defaulter.”

5. When efforts for an amicable resolution of the dispute did not yield any fruitful result, adjudication under Section 22 (C) (8) of Legal Services Authorities Act, 1987 was carried out. Learned PLA(PUS), Patiala did not find any merit in the application so filed by the appellant. It was concluded that electricity bills were issued by respondent-PSPCL as per actual consumption duly recorded in the meter and that perusal of bills Ex.R-2 to R-15, coupled with details of payment Ex.R-16, reflected that appellant at times failed to deposit the amount due and on certain occasions part payment or payment short of the actual demanded amount was made and that in the given factual scenario it did not lie in the mouth of the appellant to claim that electricity meter installed in his premises in the month of April 2018 was defective or that the bills are not as per actual consumption. Appellant, it was held is legally and morally bound to pay for the electricity consumed by him. No deficiency in service or unfair trade practice, it was held can be attributed to the respondents.

6. Aggrieved of the above, CWP No. 12145 of 2024 was filed by appellant. However, finding no merit therein, the same was also dismissed by learned Single Bench vide impugned order dated 23.05.2024.

7. Aggrieved therefrom, this appeal has been filed.

8. Learned counsel for appellant vehemently argues that learned Single Bench has grossly erred on facts and in law in dismissing the writ petition filed by appellant. It has not been considered that inflated electricity bills were issued to appellant and that electricity meter installed in the month of April 2018 was also defective. Appellant, it is stated is not a defaulter as he was depositing the energy bills regularly as per consumption. It is thus prayed that present appeal be allowed and writ petition filed by appellant be allowed as prayed for.

9. We have heard learned counsel for appellant and have perused the file with his able assistance, but do not find any ground whatsoever to cause interference.

10. Learned counsel for appellant is unable to substantiate the arguments as raised above. Learned PLA(PUS), Patiala, has duly recorded that old meter of appellant was replaced with a new one on 05.04.2018. It is correctly held by learned PLA(PUS), Patiala that in case the meter was indeed defective or was recording excess consumption of electricity, there appears to be no reason as to why no challenge had been raised thereto in accordance with rules. It is further a matter of record that appellant himself often failed to deposit the energy bills and on another occasions deficient payment was made qua the actual bill. Appellant deposited only a sum of Rs.8000/- on 11.09.2018. Arrears etc., used to be added in later bills by the respondents. No material has been pointed out by learned counsel for appellant which indicates such facts to be incorrect.

11. Learned counsel for appellant is unable to point out any illegality, infirmity or perversity in the impugned order dated 23.05.2024, passed by learned Single Bench, which calls for interference by this Court.

12. No other argument has been addressed.

13. Keeping in view the facts and circumstances as above, this appeal is dismissed being devoid of any merit with no order as to cost. Pending application (s), if any, stand (s) disposed of accordingly.

**(LISA GILL)
JUDGE**

**(SUDEEPTI SHARMA)
JUDGE**

May 26, 2025.

s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No