

-1-

219

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

CWP-20356-2022

Date of decision:-13.08.2025

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Petitioners

Versus

Som Nath and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

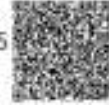
Present: Mr. R.S.Longia, Advocate and
Mr. Subhash Saini, Advocate
for the petitioners.

Ms. Sonia G.Singh, Advocate
for respondent No.1.

SUVIR SEHGAL, J.(ORAL)

1. Assailing award dated 28.02.2022, Annexure P5, passed by the Permanent Lok Adalat, Public Utility Services (For brevity 'PLA, PUS'), Panchkula, petitioners have filed the instant petition for issuance of a writ in the nature of certiorari for quashing the aforesaid award.

2. In nutshell, facts leading to the filing of the petition are that respondent No.1, who had installed the tubewell in his agricultural fields and was granted an electricity connection by Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) for agricultural purpose. On 30.07.2018, officials of UHBVNL inspected the premises and found that the tubewell was being used for commercial purpose and water was being sold in



-2-

219

water tankers. A memo dated 01.08.2018, Annexure P2, was issued under Section 126 of the Electricity Act, 2003 (for short '2003 Act') provisionally assessing that an amount of Rs.10,52,258/- was due from respondent No.1 on account of unauthorized use of electricity under the Act. Respondent No.1 filed a civil suit, which was withdrawn on technical grounds with liberty to file a fresh one before approaching PLA, PUS by filing an application under Section 22-C of the Legal Services Authorities Act, 1987 (for short '1987 Act'). As the dispute could not be settled, PLA, PUS accepted the application vide impugned award, Annexure P5, and reduced the demand to Rs.5,24,795/-.

3. Twofold arguments have been raised by counsel for the petitioners. Firstly, he has argued that the proceedings under the 1987 Act were not maintainable in view of the bar contained in Section 22-C thereof. Secondly, he has argued that demand has been raised under Section 126 of the 2003 Act and respondent No.1 has a remedy of filing an appeal.

4. *Per contra*, counsel for respondent No.1 has contended that the petitioners consented to the jurisdiction of PLA, PUS and they cannot turn around and question the award. She states that pursuant to the award, respondent No.1 has deposited an amount of Rs.5,24,795/- and continues to draw electricity for the tubewell connection. By referring to the impugned award, she has contended that PLA, PUS reduced the demanded amount to half after coming to the conclusion that the first respondent is a senior citizen and has a small holding, which is



-3-

219

his sole source of livelihood.

5. I have heard counsel for the parties and perused the paper-book as well as the documents relied upon by the parties.

6. Provisions of 1987 Act have been subject matter of interpretation in a number of judgments. In ***Syndicate Bank Versus Permanent Lok Adalat and others*** (CWP-26019-2017), decided on 11.03.2024, a co-ordinate Bench of this Court interpreted Section 22-C of the 1987 Act and held as under:-

“12. It is evident from a perusal of the above said statutory provision that the prohibition against entertaining an application by the Permanent Lok Adalat (Public Utility Services) is attracted once a person has already approached any other ‘Court’ for seeking redressal of the said grievance. The stage for approaching Permanent Lok Adalat prescribed in the statute is to approach the Permanent Lok Adalat (Public Utility Services) before a dispute is brought before any Court. Hence, Permanent Lok Adalat (Public Utility Services) is prohibited from entertaining a dispute after initiation of proceedings before any other Court as defined under Section 2 (aaa). The stage for entertaining the application is not qualified or related to the final outcome of the proceedings that were initiated before approaching the Permanent Lok Adalat. The prescription of a stage is a conscious act of the legislature, hence, a subsequent dismissal even on a technical ground, may not ipso facto be sufficient to over ride the statutory provision enshrined under Section 22 (C).

x x x x x

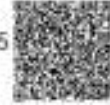
15. *Even otherwise, once various alternative*



remedies are available under different statutory regimes and a litigant exercises his discretion and elects to pursue his remedy in a particular forum, he is required under judicial sanctity and discipline to exhaust his remedies under the said statutory forum alone. It should not ordinarily be permitted or be rule of law that a person be allowed to switch from one statutory forum to a forum under different statute when such litigation, elected to be pursued before a particular forum, does not yield the desired result. Such an attempt, if permissible, will lead to an anarchy and propagate and promote forum shopping at the hands of mischievous litigant. The limitation imposed on the jurisdiction of the Permanent Lok Adalat (Public Utility Services) under the statute was thus conscious and only as a first option towards seeking settlement of dispute and not in the event where a litigant had already approached any other Court/forum for seeking redressal of the said grievance.”

7. Coming to the facts of the present case, it is apparent from a perusal of the application, Annexure P3 that respondent No.1 has candidly admitted that he had filed a civil suit, which was later on withdrawn by him on technical grounds to file a fresh one before the competent Court. As respondent No.1 had already approached the Civil Court before approaching the PLA, PUS, application under Section 22-C of 1987 Act was not maintainable.

8. The second argument raised by the petitioners pertains to the jurisdiction of the PLA, PUS to entertain the petition. This question came up for consideration before this Court in **Dakshin Haryana Bijli**



Vitran Nigam Ltd. and another Versus Permanent Lok Adalat, Public Utility Services, Gurugram and another, 2016 (2) PLR 634. Noticing the provisions of the 2003 Act, this Court held that Section 126 deals with the unauthorized use of electricity and assessment of charges. It has been provided that where there is an unauthorized use of electricity, provisional assessment has to be made to the best of the judgment of the authority concerned and provisional order is served upon the consumer, who would have a right to file objections, if any, and shall be afforded an opportunity before passing a final order of assessment. If any person is aggrieved of the final assessment order passed under Section 126 *ibid*, he may prefer an appeal before the appellate authority under Section 127 of 2003 Act. The scheme of the 2003 Act provides for the remedy of filing an appeal questioning the provisional assessment, which has not been availed of by respondent No.1. PLA, PUS did not have the jurisdiction to entertain the application under Section 22-C of the 1987 Act. This Court finds substance in both the contentions raised by counsel for the petitioners. Not only that the proceedings before the PLA, PUS were barred, PLA, PUS did not have the jurisdiction to entertain the application filed by respondent No.1. Consequently, impugned award cannot be sustained and is set aside.

9. As respondent No.1 has a statutory remedy and he has already deposited 50% of the demanded amount, in case he takes recourse to the same within a period of two months from the date of passing of the order, his electricity connection shall not be disconnected



-6-

219

till the adjudication of appeal filed by him under Section 127 of 2003 Act. In case, he fails to file an appeal within the aforesaid period, petitioners shall take further action in accordance with law.

10. With above clarification, petition is disposed off.

(SUVIR SEHGAL)
JUDGE

13.08.2025
Brij

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