



-1-

129

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

CWP-23285-2025

Date of decision:-12.08.2025

Rup Chand Bhardwaj

...Petitioner

Versus

Greater Mohali Area Development Authority and anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Kanika Toor, Advocate
for the petitioner (THROUGH V.C.)

Mr. Nishant Maini, Advocate
for respondent No.1.

SUVIR SEHGAL, J.(ORAL)

1. Aggrieved of award dated 04.12.2024, Annexure P5 passed by Permanent Lok Adalat, Public Utility Services (For brevity 'PLA, PUS'), S.A.S. Nagar, petitioner has approached this Court by way of instant petition for issuance of a writ in the nature of certiorari for quashing the aforesaid award.

2. Ms. Kanika Toor, Advocate submits that petitioner was successful in a scheme launched by respondent No.1 and by letter dated 17.03.2013, Annexure P3, he was allotted a built up booth in Sector 78, SAS Nagar. Petitioner submits that an amount of 75% of the bid amount was deposited by him and the balance was to be deposited before



-2-

129

handing over of possession. Counsel asserts that the price included the cost of construction and complete infrastructure such as parking, common stairs, toilets, pavements and ramp, which was not provided. She claims that respondents did not complete the construction and hand over the possession of the booth within the stipulated period. Petitioner was forced to deposit service tax, which was not applicable. She states that respondents were requested to issue a fresh allotment letter, but instead they demanded that petitioner should deposit interest @ 8% on the 75% bid amount already deposited by him. Claiming possession of the booth besides compensation, she states that petitioner filed an application under Section 22-C of the Legal Services Authorities Act, 1987 (for short 'the 1987 Act'), which has been erroneously rejected by the PLA, PUS vide the impugned award.

3. I have heard counsel for the petitioner and considered her submissions besides examining the documents appended with the paper-book.

4. A perusal of the impugned award shows that the application was dismissed by the PLA, PUS as the petitioner had approached the District Consumer Disputes Redressal Forum by filing a complaint bearing No.372 of 2015, which was decided on 14.03.2017 and an appeal bearing No.481 of 2017 preferred by the petitioner before the State Consumer Disputes Redressal Commission, which was dismissed on 23.10.2017. Second complaint bearing No.446 of 2018 was filed by the petitioner before the same Forum. Fate of the second complaint is not



129

evident from the paper-book. Petitioner invoked the jurisdiction of the PLA, PUS by filing an application under Section 22-C of the 1987 Act on 21.05.2019.

5. Section 22-C (1) of the 1987 Act provides that any party to a dispute, before it is brought before any Court may make an application to the Permanent Lok Adalat for settlement of dispute. There is a clear bar from entertaining an application under the 1987 Act in case the applicant has approached any other Court. This precise issue came up for consideration before a Co-ordinate Bench of this Court in ***Syndicate Bank Versus Permanent Lok Adalat and others*** (CWP-26019-2017), decided on 11.03.2024. In para Nos.15 and 18, this Court observed as under:-

“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.”

x x x x

“18. Further, even though the above said issue may not have been agitated before the Permanent Lok Adalat (Public Utility Services), however, once the fact had been brought to the notice of such authority, the same being a legal issue, it was required to be determined by the competent Court. The aspect of jurisdiction is fundamental and would travel to the very foundation of the case. Defect of jurisdiction, being fundamental, cannot be cured at any later stage as per the settled position in law.”

6. In view of the clear enunciation of law, the application filed by the petitioner before the PLA, PUS was not maintainable. Not only this, petitioner has not approached this Court with clean hands. He has suppressed that he had earlier approached the District Consumer Disputes Redressal Forum twice before filing the application. These facts are missing from the petition. As the petitioner has suppressed vital facts, he is not entitled to any relief.



129

7. Petition is dismissed.

8. Although cost deserves to be imposed upon the petitioner for concealing material facts, but this Court refrains itself from doing so.

(SUVIR SEHGAL)
JUDGE

12.08.2025

Brij

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