



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

**RSA No.1695 of 2025 (O&M)  
Date of Decision: May 16, 2025**

**Uttar Haryana Bijli Vitran Nigam Ltd. and another . . . . Appellants**

**Vs.**

**M/s Kaithal Khal Bhandar Nissing and another . . . . RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:- Mr. Gaurav Jindal, Advocate for the appellants.**

**DEEPAK GUPTA, J.**

**CM-5853-C-2025**

This is an application under Section 151 CPC to condone the delay of 23 days in re-filing the appeal.

Heard.

For the reasons as mentioned in the application, supported by an affidavit of the counsel for the appellant, the delay of 23 days in re-filing the appeal is hereby condoned.

The application stands disposed of.

**RSA-1695-2025 (O&M)**

Defendants of the case are before this Court in the present regular second appeal against the concurrent findings of the Courts below.

2. Suit for declaration with consequential relief of permanent injunction was filed by the plaintiffs (respondents herein) alleging that the Bill dated 12.12.2017 issued by the appellants-defendants for an amount of ₹1,97,557/- be declared as illegal, null and void with consequential relief of permanent injunction. The stand of the defendants-appellants was that the Bill had been raised as per the consumption of the plaintiffs and that it was a

case of accumulated units consumed by the plaintiffs. After framing issues and taking evidence produced by the parties, both the Courts below returned a concurrent findings of fact that defendants had not been able to show any heavy machinery/implements allegedly being run in the premises of the plaintiffs to justify the consumption of 29580 units; whereas on the other hand, plaintiffs had successfully proved much lesser consumption of units during the previous months, apart from the fact that industrial units of the plaintiffs were lying closed for long time.

3. Assailing the findings, it is urged by learned counsel for the defendants-appellants that the Courts below went in error in decreeing the suit on account of failure of the defendants-appellants to prove that no heavy machinery was being run in the premises of the plaintiffs-respondents. It is argued that it was for the plaintiffs-respondents to prove that their industrial unit was lying closed and so there was no consumption of electricity as shown in the impugned Bill.

4. After hearing learned counsel for the defendants-appellants, this Court does not find any merit in the above-said contentions.

5. As has been found by the Courts below, in the impugned Bill (Ex.P1) consumption of electricity has been shown to be 29580 units for the month of November, 2017 for the period 30.10.2017 to 30.11.2017. It has been found further by the Courts below that in previous months, the consumption of the electricity was as under:-

<b>Sr. No.</b>	<b>Month</b>	<b>Consumption of units</b>
1.	June, 2017	420 units
2.	July, 2017	345 units
3.	August, 2017	315 units
4.	September, 2017	240 units
5.	October , 2017	405 units

6. It was in the above-said backdrop, besides the testimony of the plaintiffs-respondents to the effect that their industrial unit was lying closed for considerable time, that it has been observed by the Courts below that it was for the defendants-appellants to show that there was any extra ordinary machinery installed by the plaintiffs-respondents on the basis of which it could be inferred that plaintiffs-respondents had consumed such an extra ordinary number of 29580 units in two months comparing to the previous months.

7. Learned counsel for the defendants-appellants submits that in fact the consumption of units in the previous months was wrongly recorded by the official of the defendants-appellants as he was a new employee. There is absolutely no merit in this contention, as it is the own official of the defendants-appellants, who had admittedly noted the reading of the previous months in the electricity meter and on that basis, the previous bills had been issued.

8. On account of the aforesaid discussion, this Court finds no ground to interfere in the concurrent findings of facts as recorded by the Courts below. Holding the present appeal to be devoid of any merit, the same is hereby dismissed.

**May 16, 2025**

*Sarita*

**(DEEPAK GUPTA)**

**JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No