

(2014) 07 P&H CK 0791

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 11893 of 2014

Punjab State Power Corporation
Ltd.

APPELLANT

Vs

Permanent Lok Adalat

RESPONDENT

Date of Decision: July 16, 2014

Acts Referred:

- Legal Services Authorities Act, 1987 - Section 22 (C), 22 (C) (8), 22C

Citation: (2014) 176 PLR 858

Hon'ble Judges: Ritu Bahri, J

Bench: Single Bench

Advocate: Manish Bansal, Advocate for the Appellant

Final Decision: Dismissed

Judgement

Ritu Bahri, J.

Challenge in this petition is to the Award dated 29.04.2014 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Rupnagar-respondent No. 1, whereby the petitioner-corporation has been directed to release the electric connection to the applicant-respondent No. 2.

2. Gurmail Singh-respondent No. 2 had made an application u/s 22C of the Legal Services Authority Act, 1987, before the Permanent Lok Adalat, Rupnagar-respondent No. 1, stating that he had applied for an electric connection for installation of tubewell for agricultural purposes on 04.06.1991. Vide notice dated 20.08.2011, the petitioner-corporation had asked him to deposit self declaration certificates of the remaining co-sharers of the land, Fard Jamabandi and map of the land. He deposited all the necessary documents with the petitioner-corporation. Consequent upon receipt of another notice dated 14.04.2013, he had also deposited a draft of Rs. 79,480/- along with fee of Rs. 200/- with the Chief Electrical Inspector. However, the petitioner- corporation refused to

release the electric connection on the ground that he has not furnished the self declaration certificates from of all the co-sharers.

3. The claim of respondent No. 2 was resisted by the petitioner-corporation on the ground that he had failed to furnish attested self declaration certificates of all the co-sharers, therefore, the connection in question could not be released to him.

4. Before the Permanent Lok Adalat, efforts were made to resolve the dispute amicably, but could not succeed. Thereafter, the Permanent Lok Adalat proceeded to decide the application on merits after invoking the provisions of Section 22 (C) (8) of the Act. While deciding the application, the Permanent Lok Adalat was to consider the condition imposed by the petitioner-corporation regarding submission of affidavit of the co-sharers before release of the tubewell connection in dispute. In this regard para 3.3 (i) (c) of Section-II of Release of Electric Connections is reproduced as under:-

(C) For release of tubewell connection under General or Priority categories, minimum land holding of one acre shall be prerequisite. In case, the applicant is having joint ownership/Mushtarka Khata land in his possession as per revenue record where the connection is to be released or shifted, he should be allowed to do so on furnishing of indemnity bond. However, if the applicant having joint ownership is not in possession of land where connection is to be released, NOC of other members of the family/relatives shall be necessary for release/shifting of the connection. Minimum land holding condition in case of High Technology category consumer shall be 500 Sq. meters. Also release of tubewell connections on priority shall be allowed to the prospective consumers in the State on Drip/Micro Sprinkler Irrigation System installed on a minimum area of 2 (two) hectares for fruit crops and 1 (one) hectare for vegetables and non horticulture crops.

5. A perusal of the above condition makes it clear that in case the applicant-respondent No. 2 was in possession of the land as per revenue record, the connection could be allowed on furnishing of indemnity bond. He had produced Shajra Aks (Ex. A15) regarding land bearing Khasra No. 69R/14/2, in which the electric connection was to be installed. He had also produced copy of Jamabandi of the said land and other joint land owned by him along with other persons as Ex. A18. In the column of possession, the land was shown to be in self cultivating and joint possession of others, including Gurmail Singh-respondent No. 2. Hence, in view of the revenue record, Gurmail Singh-respondent No. 2 was found to be in possession of the said land and the condition of getting NOC from other co-sharers was not required. Since the applicant-respondent No. 2 was recorded as in joint possession of the land, the Permanent Lok Adalat has rightly accepted his application and given a direction to the petitioner-corporation to release the electric connection for installation of tubewell. This direction has been given while observing that the application for tubewell connection was made in the month of June, 1991 and after a gap of 22 years, the petitioner-corporation is asking the

applicant-respondent No. 2 to bring NOC from other co-sharers and all this is being done after he had deposited Rs. 79,480/- with the petitioner.

6. Learned counsel for the petitioner has made reference to the judgments delivered by the Jharkhand High Court in [Kausalya Devi Vs. Bajaj Allianz General Insurance Company Ltd. and Mithilesh Choudhary](#) and Jharkhand State Electricity Board, Ranchi & others Vs. State of Jharkhand & another, 2010(1) AIR Jhar R. 481, on the proposition that the Permanent Lok Adalat has no jurisdiction to decide the case on merits.

7. These judgments are not helpful to the case of petitioner, as recently Hon"ble the Supreme Court in [Bar Council of India Vs. Union of India \(UOI\)](#), while examining the provisions of Section 22 (C) of the Legal Services Authorities Act, 1987, has held that the purpose of creating a Forum under the Public Utility Services was to offer an opportunity to get the petty disputes decided by providing an alternative Forum other than the Civil Court. In para Nos. 28 and 29 of the aforesaid judgment, the Hon"ble Supreme Court has observed as under:

28. Sine qua non of taking cognizance of a dispute concerning public utility service by the Permanent Lok Adalat is that neither party to a dispute has approached the civil court. There is no merit in the submission of the petitioner that the service provider may pre-empt the consideration of a dispute by a Court or a forum under special statute by approaching the Permanent Lok Adalat established under Chapter VI-A of the 1987 Act and, thus depriving the user or consumer of such public utility service of an opportunity to have the dispute adjudicated by a civil court or a forum created under special statute. In the first place, the jurisdiction of for a created under the Special Statutes has not been taken away in any manner whatsoever by the impugned provisions. As noted above, the Permanent Lok Adalats are in addition to an not in derogation of for a provided under Special Statutes. Secondly, not a single instance has been cited where a provider of service of public utility in a dispute with its user has approached the Permanent Lok Adalat first. The submission is unfounded and misplaced. 29. The alternative institutional mechanism in Chapter VI-A with regard to the disputes concerning public utility service is intended to provide an affordable, speedy and efficient mechanism to secure justice. By not making applicable the CPC and the statutory provisions of the Indian Evidence Act, there is no compromise on the quality of determination of dispute since the Permanent Lok Adalat has to be objective, decide the dispute with fairness and follow the principles of natural justice. Sense of justice and equity continue to guide the Permanent Lok Adalat while conducting conciliation proceedings or when the conciliation proceedings fail, in deciding a dispute on merit.

8. In the light of the above discussion and the law laid down by the Hon"ble Supreme Court in Bar Council of India's case (supra), no ground is made out to interfere in the impugned Award dated 29.04.2014 (Annexure P-1).

9. Dismissed.