

Sub Divisional Officer, UHBVNL and Others Vs Sat Parkash Sharma and Others

Civil Writ Petition No. 14164 of 2015

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 17, 2015

Acts Referred:

Legal Services Authorities Act, 1987 - Section 22, 22A, 22A(b), 22A(b)(iii), 22C

Citation: (2015) 180 PLR 354

Hon'ble Judges: Augustine George Masih, J.

Bench: Single Bench

Advocate: Anil Kumar Yadav, for the Appellant

Final Decision: Dismissed

Judgement

Augustine George Masih, J.

The petitioners have challenged the order dated 16.01.2015 (Annexure P-2) passed by the Permanent Lok

Adalat, Public Utility Services, Yamunanagar, vide which the application preferred by Sat Parkash Sharma, respondent No. 1 under Section 22-C

of the Legal Services Authority Act, 1987 (for short, "1987 Act") has been allowed and a direction has been issued to the petitioners to release

him the electricity connection. It is the contention of counsel for the petitioners that respondent No. 1-Sat Parkash Sharma, who owns agriculture

land, applied for the electricity connection in the year 1995 for running a tubewell. He had approached the Lok Adalat on 05.07.2013, which is

after a period of more than 18 years and, therefore, the Lok Adalat did not have the jurisdiction to entertain the same. The impugned award has

also been assailed on the ground that the Lok Adalat should have formulated the issues prior to endeavoring to move forward to decide the case

on merits. Another ground, which has been taken by counsel for the petitioners is that the claim of respondent No. 1 does not fall within the

purview of "public utility service" as defined under Section 22A(b) of 1987 Act.

2. Taking up the first contention of counsel for the petitioners with regard to the application being beyond limitation, suffice it to say that non-

release of electricity connection is a recurring cause of action as the tubewell would not have run without the electricity connection, which, as has

been recorded in the impugned award, was the requirement of respondent No. 1 and was permissible under the regulations governing the release

of such an electricity connection. Merely because the petitioners sat over the matter for such a long period while the efforts were being made by

respondent No. 1 for getting the said connection, cannot be said to be a ground for rejecting the application under Section 22C of 1987 Act.

3. The second contention, which has been raised by counsel for the petitioners is with regard to the issues having not been formulated by the Lok

Adalat prior to endeavoring to decide the case on merits. The said contention also cannot be sustained as all the grounds and the facts and

circumstances have been duly referred to and the submissions made by respective parties have been taken care of. The technicalities, as are

incorporated and envisaged under the Code of Civil Procedure, are not to be applied so far as the Permanent Lok Adalat under the Public Utility

Services is concerned. The very purpose of the 1987 Act would be frustrated if these technicalities are being given effect to and made applicable

to the said Lok Adalat. This ground, therefore, also does not carry any weight.

4. The third submission, which has been pressed into service, is with regard to the release of electricity connection not falling within the purview of

Section 22A of 1987 Act. Section 22A(b)(iii), which defines "public utility service" reads as under:--

22A. Definitions- In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires,

(a) xx xx xx xx xx

(b) "public utility service" means any-

(i) and (ii) xx xx xx xx

(iii) supply of power, light or water to the public by any establishment; or

(iv) to (vi) xx xx xx xx

5. Even mere definition of "public utility service" leaves no manner of doubt that the release of electricity connection would fall within the purview

of the abovesaid definition as it falls in "supply of power". Merely because the word "public" has been used, it cannot be said that it has to be for

more than one person. The public include even a single entity as well. In view of the above, finding no merit in the present writ petition, the same

stands dismissed.