
(1998) 03 P&H CK 0026

In the Punjab And Haryana At Chandigarh

Case No : Regular Second Appeal No. 2876 of 1996

Punjab State Electricity Board and Another

APPELLANT

Vs

Megha Alloys Limited

RESPONDENT

Date of Decision : 11-03-1998

Acts Referred:

Citation : (1999) 122 PLR 232 : (1999) 4 RCR(Civil) 339

Hon'ble Judges : V.K. Jhanji, J

Bench : Single Bench

Advocate : Y.P. Khullar, for the Appellant; M.L. Sarin and Hemant Sarin, for the Respondent

Judgement

V.K. Jhanji, J.—In this case, challenge in the suit filed by plaintiff (respondent herein) was with regard to demand raised by Punjab State Electricity Board through supplementary bill for a sum of Rs. 6,01,538/- on average basis for the period from September, 1992 to December, 1992. Plaintiff instead of taking the matter to the Member Technical, took the matter to the Civil Court and the Civil Court has restrained the Board from recovering the amount till such time the matter is decided by the Chief Electrical Inspector.

2. During the course of hearing of this second appeal, counsel for the plaintiff has stated that plaintiff shall have no objection if the matter is referred to the Authority i.e. Member Technical/Dispute Redressal Committee headed by Member Technical, a reference of which has been made in judgment of the Supreme Court in Punjab State Electricity Board and Another Vs. Ashwani Kumar, for settling the matter once for all. In view of the fair concession extended by counsel for the plaintiff, judgment and decree of the trial Court is modified, and it is directed that plaintiff shall submit its objections against the demand raised by the Board to the Member Technical/Dispute Redressal Committee headed by the Member Technical and the Member Technical or the Committee, as the case may be, shall decide the objections of the plaintiff within a period of three months from the date of appearance of parties before him/it. It is made clear that

Member Technical/Dispute Redressal Committee headed by Member Technical shall afford an opportunity of hearing to the plaintiff and in case plaintiff wants to lead some evidence in support of its objections, the same shall also be allowed. Decision taken on the objections of the plaintiff shall be communicated in writing to the plaintiff. Till such time, the Member Technical/Committee takes a decision on the objections of the plaintiff, recovery against the plaintiff shall not be made. Plaintiff shall submit its objections within one month from today to the Member Technical/Dispute Redressal Committee headed by Member Technical, under registered A.D. cover, whereafter the Member/Committee shall fix a date for appearance of the plaintiff and convey the same in writing to the plaintiff. In case plaintiff fails to file its objections within one month, then suit of the plaintiff shall be deemed to have been dismissed, and the defendant shall be at liberty to recover the amount raised by way of supplementary bill.

3. Appeal stands allowed in the terms indicated above.

4. Copy of the order be given Dasti.