

(1997) 05 P&H CK 0213
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 1940 of 1997

Punjab State Electricity Board and Others	APPELLANT
Vs	
Vinod Kumar Sachdeva	RESPONDENT

Date of Decision : 13-05-1997

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 144

Citation : (1997) 2 CivCC 215 : (1997) 117 PLR 190 : (1997) 3 RCR(Civil) 210

Hon'ble Judges : N.K. Sodhi, J

Bench : Single Bench

Advocate : Manohar Garg, for the Appellant; B.R. Mahajan, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Sodhi, J.—A notice dated 19.9.1988 was issued by the Punjab State Electricity Board (for short the Board) to the plaintiff-respondent creating a demand of Rs. 2,87,487/-. The plaintiff-respondent disputed his liability to pay the amount. The Board then threatened disconnection of the electric supply on account of non-payment of the demanded amount. It was then that the plaintiff-respondent filed a suit for a declaration challenging the legality of the demand notice. Alongwith the plaint an application under Order 39 Rules 1 and 2 of the CPC was filed seeking ad interim injunction restraining the Board from disconnecting the electric connection. By an order dated 29.9.1988 the trial Court directed the plaintiff-respondent to deposit the amount in dispute and observed that in case the plaintiff succeeded in his suit the Board would be liable to refund the amount alongwith bank rate of interest. It is not in dispute that the plaintiffs suit was decreed by the trial court and the first appeal filed by the Board against that decree too has been dismissed. The Board has filed a regular second appeal which stands admitted in this Court. It also made a prayer for stay of the operation of the judgment and decree of the Courts below. This prayer has not been granted.

2. The plaintiff-respondent then filed an application in the trial Court requiring

the petitioner Board to refund the amount alongwith bank rate of interest. This application has been allowed and the Board has been directed to refund the amount alongwith simple interest at the rate of 18%. It is against this order of the trial Court that the present revision petition has been filed.

3. I have heard counsel for the parties and find no ground to interfere with the impugned order which is most fair and equitable in the circumstances of the case. The application for ad-interim injunction filed by the plaintiff-respondent was disposed of with a direction to the plaintiff to deposit the money within a stipulation that the Board would be liable to refund the same with interest thereon. Now that suit stands decreed and the demand created against the plaintiff-respondent quashed, there is no justification on the part of the Board to retain the amount. The trial Court was, therefore, justified in directing the refund of the amount alongwith interest at the rate of 18%. No fault can thus be found with the impugned order and consequently the revision petition stands dismissed.