



CIVIL APPEAL NO. 1680 OF 1996@@  
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Punjab State Electricity Board & Anr. ..Appellants

vs.

Mohta Industries Ltd. ..Respondent

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When the matter was taken up for hearing, it was brought to our notice that the Punjab State Electricity Board (hereinafter referred to as 'the Board'), in exercise of the powers under Section 79(j) of the Electricity (Supply) Act, 1948 (hereinafter referred to as 'the Act'), has constituted an Authority known as Dispute Settlement Authority (hereinafter referred to as 'the Authority') of which Chief Engineer is the Chairman and Deputy Chief Engineer/Superintending Engineer and Chief Accounts Officer are the Members. This Authority has been enjoined with the function to settle disputes exceeding Rs. 2 lakhs arising between the consumers and the Board.

In the present case, what we find is that the dispute relates to an amount which is over and above Rs. 2 lakhs and in that view of the matter, the respondent herein instead of filing a suit and seeking injunction ought to have resorted to the remedy made available under the Act.

Consequently, we set aside the order passed by the High Court as well as that of the trial court. The respondent ...2/-

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herein shall have the liberty to approach the Authority for redressal of its grievances. In case the respondent herein within a period of four weeks from today approaches the Authority, the Authority shall entertain the petition preferred by the respondent herein and decide the questions raised therein in accordance with law. It will be open to the parties to adduce such evidence as they may be advised to do so. The respondent herein is also given liberty to withdraw the suit filed by it without prejudice to its rights and contentions made in the proposed petition to be filed before the Authority. In case the matter is decided against the respondent, it will further be open to it to file an appeal before the Board Level Reviewing Committee.

With the aforesaid directions, the appeal is disposed of.

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.....J.  
(V.N. KHARE)

.....J.  
(ASHOK BHAN)

New Delhi;

November 26, 2002.