

Ref.No.P.Com/Lok Adalat/28174

Date: 17.09.2011

Commercial Circular No. 144

Sub : Reference of the Legal Disputes u/s. 135 to Lok Adalat – Guidelines & Implementation.

Hon'ble Supreme Court and Hon'ble High Court have always shown their concern & inclination about the amicable settlements of the disputes between the citizens. More emphasize is laid where one party to the litigation is a Public Utility. In light of this & also with a view to reduce litigation, it is decided by the Competent Authority that steps should be taken to get the cases u/s.135 of the Electricity Act settled through the Lok Adalats.

Under the provisions of Legal Services Authorities Act 1987 any of the parties to the litigation can request to the court before whom the case is pending to refer the same for its decision through the Lok Adalat. In order to have uniform practices and give reasonable concession to the parties involved in litigation u/s. 135 of the Act, it is decided that we should give concession upto 10% to 15% of the total claim of the civil liability assessed as per the MERC Regulations. This will facilitate the litigant to come forward for amicable settlement.

In case there is request from the accused u/s. 135, or there is suggestion from the Court to that effect, we should accept the same and give consent to place the cases u/s. 135 before the Lok Adalat.

In case we get intimation from the litigant (accused) or from the Hon'ble Court about the particular cases being referred for disposal by Lok Adalat, we can call the persons involved in the offence of theft u/s. 135 for negotiation and can settle the matter before the date on which the Lok Adalat is scheduled to be held. The matters can also be settled even when the same are called before the Lok Adalat in case those are not settled prior to the date of holding of Lok Adalat.

Ordinarily Lok Adalats are held on working Saturdays, non-working Saturdays and Sundays. Certain formalities are required to be completed before the Lok Adalat. For signing of settlement before Lok Adalat the Chief Engineers should depute concerned Supdtg. Engineer. He shall exercise his powers to negotiate and settle assessed civil liability by giving concession upto 10% to 15% thereof. For recovery of the settled amount, paid in cash or by way of cheque we have to be acknowledged it by appropriate receipt, therefore one person from Accounts Deptt should be deputed to issue appropriate receipt for the same. The receipt for the compounding charges as per the Act also will have to be passed.

In case any further clarification is required, you may contact Chief Legal Advisor.


Chief Engineer (Commercial)

To:

As per Mailing List.