

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2654 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2655 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2656 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2657 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2658 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2659 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2660 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2661 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2662 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2663 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3476 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3478 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3479 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3481 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3480 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2664 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 2665 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3474 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3471 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 3472 of 2019

With

R/SPECIAL CIVIL APPLICATION NO. 4201 of 2019

With
R/SPECIAL CIVIL APPLICATION NO. 3449 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 3429 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 3456 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 3430 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 3431 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3441 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3469 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3432 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3439 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3447 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3468 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3467 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3435 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 3436 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 3459 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 6744 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 6745 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 6746 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 7527 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 10803 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 6725 of 2019

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PASCHIM GUJARAT VIJ COMPANY LIMITED
Versus
BABUBHAI MOHANBHAI BHOOT

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Appearance:

MR DIPAK R DAVE(1232) for the Petitioner(s) No. 1

RULE SERVED(64) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE R.P.DHOLARIA**

Date : 31/01/2020
COMMON ORAL ORDER

1. By way of preferring the aforementioned group of petitions invoking the provisions of Article 227 of the Constitution of India, the petitioner-Paschim Gujarat Vij Company Limited has challenged the judgments and orders dated 22.7.2018 passed in the Execution Application No.88 of 2017, 22.7.2018 passed in the Execution Application No.70 of 2017, 22.7.2018 passed in the Execution Application No.60 of 2017, 22.7.2018 passed in the Execution Application No.06 of 2018, 22.7.2018 passed in the Execution Application No.02 of 2018, 22.7.2018 passed in the Execution Application No.85 of 2017, 22.7.2018 passed in the Execution Application No.71 of 2017, 22.7.2018 passed in the Execution Application No.01 of 2018, 22.7.2018 passed in the Execution Application No.73 of 2017, 22.7.2018 passed in the Execution Application No.75 of 2017, 8.9.2018 passed in the Execution Application No.71 of 2018, 8.9.2018 passed in the Execution Application No.65 of 2018, 22.7.2018 passed in the Execution Application No.03 of 2018, 22.7.2018 passed in the Execution Application No.10 of 2018,

2018, 22.7.2018 passed in the Execution Application No.57 of
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2018, 22.7.2018 passed in the Execution Application No.29 of
2017, 8.9.2018 passed in the Execution Application No.16 of
2018, 22.7.2018 passed in the Execution Application No.38 of
2018, 22.7.2018 passed in the Execution Application No.42 of
2017, 22.7.2018 passed in the Execution Application No.45 of
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2018, 22.7.2018 passed in the Execution Application No.19 of
2018, 22.7.2018 passed in the Execution Application No.79 of
2018, 22.7.2018 passed in the Execution Application No.91 of
2018, 8.12.2018 passed in the Execution Application No.26 of
2018, 8.12.2018 passed in the Execution Application No.25 of
2018, 8.12.2018 passed in the Execution Application No.22 of

2018, 8.12.2018 passed in the Execution Application No.39 of 2018, 22.7.2018 passed in the Execution Application No.21 of 2018, 8.12.2018 passed in the Execution Application No.15 of 2018 by the Executing Court in Lok Adalat, Visavdar. The same are in the nature of delivering the judgment instead of recording compromise as envisaged under Section 21 of the Legal Services Authorities Act, 1987. The petitioner-Company contended that the Lok Adalat could not have decided any dispute by delivering a judgment. The function of the Lok Adalat is restricted and circumscribed under the Legal Services Authorities Act, 1987 and the learned Judge travelled beyond the scope of the provisions of law while dealing with the execution petition. Though there was no compromise or concession from the petitioner-Company, the learned Judge had travelled beyond the scope of law.

2. This Court has heard Mr.Dipak Dave, learned advocate for the petitioner. Though served, none appears for the respondent.

3. This Court has gone through the impugned judgment rendered by the Lok Adalat. The Lok Adalat could not have decided the dispute between the parties by recording reasons and finding thereon which is beyond the scope of provisions of law. Consequently therefore, the same is not sustainable and is hereby quashed and set aside. The aforesaid judgments and

orders passed by the Executing Court in Lok Adalat, Visavdar, is quashed and set aside. The petitions stand allowed. Rule is made absolute to the aforesaid extent.

4. The learned trial Court shall execute the decree in accordance with law. However invoking the provisions of Section 227 of the Constitution of India, this Court directs the petitioner-Paschim Gujarat Vij Company Limited to examine the scope of granting benefit under the Amnesty Scheme if applicable.

(R.P.DHOLARIA, J)

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