

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: **LPA No. 34/2025**
In WP(C) No. 294/2025
CM No. 1020/2025

M/S Rajat Flour Mills

.....Appellant(s)/Petitioner(s)

Through :- Mr. Parveen Kapahi, Advocate
v/s

Assistant Executive Engineer & Ors.

.....Respondent(s)

Through :-

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
24.02.2025

1. Appellant, through the medium of this Letters Patent Appeal, has impugned an order dated 10.02.2025 passed by the Learned Single Judge of this Court in WP(C) No. 294/2025 titled "*M/S Rajat Flour Mills Vs. Assistant Executive Engineer and Ors.*" whereby the respondents were directed to provide an opportunity of hearing to the petitioner within a period of one week and consider the restoration of electric supply to the petitioner's unit as mentioned in the petition subject to deposition of 25% of the outstanding electricity charges by the petitioner-appellant herein.
2. Learned counsel for the petitioner in WP(C) No. 294/2025 submits that the appellant herein had filed the aforesaid petition in view of the

fact that the petitioner had raised issues of wrong/excessive billing on account of electricity charges to its unit of flour mill at Phyang Industrial Estates, Leh and that having not been redressed by the Power Development Department, he had also moved to the Ombudsman appointed under Electricity Act, 2003 with its grievance, however, which were not redressed and that the Learned Single Judge while passing the impugned order had also passed direction, operating harshly to the petitioner-appellant herein to deposit 25% of the outstanding amount, whereas, the fact of the matter is that the petitioner has already liquidated more than Rs. 45.00 lacs on this account and the payment of 25% of the outstanding electricity charges by the petitioner-appellant herein was made a condition precedent for restoration of its electricity supply.

3. Since the appellant-petitioner's unit against the total power bill of more than Rs. 1.11 crore, is stated to have cleared Rs. 45,00,000/- and has also raised disputes with regard to alleged wrong/excessive billing and approached the statutory forum of Ombudsman, it is not in the interest of equitable justice to set payment of arrears, even if some part thereof, a pre-condition to restore its electric supply connection.
4. Having regard to the pleadings placed on record and the submissions urged at the Bar, we are of the opinion that instead of retaining this LPA against the interim order, on board, it will be in the interest of justice to dispose of it, at this motion stage, providing that the electric connection shall be restored to the petitioner's unit within a period of

two weeks from the date of passing of this order, without insisting for payment of 25% of the outstanding electricity charges. With this modification of the impugned order passed by the Learned Single Judge, the parties are relegated to the Writ Court for further adjudication of other issues involved in the writ petition.

5. The LPA along with connected application(s), if any, is *disposed of* accordingly.

(M A CHOWDHARY)
JUDGE

(TASHI RABSTAN)
CHIEF JUSTICE

JAMMU
24.02.2025
SUNIL

