

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

Case: WP(C) No. 2855/2025

Khalid Jahangir Malik
S/o Abdul Gani Malik,
R/o Village Sarh Bagga, Tehsil Mahore,
District Reasi.

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

Through :- Mr. Arshad Hussain, Advocate

Vs

01. Union Territory of J&K,
Through Commissioner Secretary,
Power Development Department, Civil
Secretariat, Jammu.

.....Respondent(s)

02. Chief Engineer,
Electric M&RE Wing, Jammu.

03. Executive Engineer,
Power Development Department,
JPDCL, Division-III, Jammu.

04. Assistant Executive Engineer,
Power Development Department,
JPDCL, Sub-Division, Janipur-II,
Jammu.

Through :- Mr. Raman Sharma, AAG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
14.10.2025

01. Through the medium of instant petition, the petitioner has sought
the following relief:-

**“Writ of Certiorari quashing the notice dated 17.07.2025 issued
under Section 56 of the Electricity Act, 2003, along with the
impugned electricity bill amounting to Rs. 63,67,516/- issued vide
Consumer ID No. 0103020036031, Installation No. BH/B/202 being
arbitrary, illegal and unsustainable.**

Writ of Mandamus commanding and directing the respondents to restore the power supply to the premises of the petitioner i.e., M/s Peer Panchal Educational Trust, Kote Bhalwal, Kanger Morh, Jammu.

Writ of Mandamus commanding and directing the respondents to recalculate/assessment the electricity bill strictly in terms of the sanctioned load of 4000 Watts, duly sanctioned as per meter reading without any penalty/interest charge in favour of the petitioner vide receipt dated 27.02.2006 issued by Respondent No. 4.

Writ of Mandamus Commanding/Direction or Order may kindly be issued to the respondents to waive of the interest and flat rate under the Amnesty Scheme so that the petitioner will pay electricity bill.”

02. Record reveals that the petitioner had already preferred a writ petition in the first round of litigation, registered as WP(C) No. 2982/2024, which was not entertained for the reason that the petitioner has raised a dispute about the correctness of the amount of the electricity bill amounting to Rs. 56,48,588/- dated 31.10.2024 inasmuch as the enhancement of the load alleged to have been enhanced by the respondents unilaterally at his back. In the aforesaid backdrop, the Court declined to exercise its extraordinary writ jurisdiction and the matter was left open to the petitioner to invoke the appropriate remedy in this regard as may be available to him under the provisions of the Electricity Act and the rules framed thereunder.

03. While parting with the aforesaid order, the Court was of the view that the issue regarding the correctness of the Electricity bill as also the enhanced load by a consumer has to be dealt with by the competent authority designated and provided under the provisions of the Electricity Act 2003 and the rules framed thereunder in accordance with the mechanism laid down therein. Consequently, the writ petition was disposed of vide order dated 24.12.2024.

04. It is the specific case of the petitioner that pursuant to the disposal of the earlier writ petition, the petitioner has already availed the alternate remedy provided under the Act before the Assistant Executive Engineer on 30.12.2024. However, the said authority has not yet accorded due consideration to his case and feeling aggrieved of the same, the instant petition has been preferred.

05. At this stage, it would be apt to refer to the judgment passed by this Court in OWP No. 738/2012, decided on 30.12.2022, wherein a writ petition preferred in the similar facts and circumstances was dismissed as not maintainable by relegating the petitioner to avail the statutory remedy of appeal under the Act. The ratio of the said judgment is fully applicable to the case in hand. Once, the writ petition preferred by the petitioner urging similar grounds and facts has not been entertained by this Court in the light of the alternate remedy, then the filing of the instant petition on similar grounds before this Court is also not maintainable, when the application was still pending before Assistant Executive Engineer.

06. Learned counsel for the petitioner when confronted with the maintainability of the instant petition submits that that he would feel satisfied at this stage, in case, a direction is issued to the concerned Assistant Executive Engineer i.e. respondent No. 4 to decide the case of the petitioner, which is pending adjudication before him since 30.12.2024 within some reasonable period to which the learned counsel for the respondents on asking of the Court is not averse, provided the same is directed to be accorded due consideration strictly under rules and as per law.

07. With the consent of the learned counsel for the parties and without commenting upon the maintainability of the instant petition, this Court deems it proper to dispose of the instant petition at the very threshold by directing the respondent No. 4 to accord consideration to the case of the petitioner, which is pending before him, within a period of six weeks from the date, a copy of this order as well as copy of the instant writ petition along with the annexure(s) are made available to the said respondent, strictly under rules and as per law.

08. It is, however, made clear that while according consideration to the case of the petitioner, if the petitioner intends to place on record any document which would facilitate the said respondent to decide the controversy in question, the petitioner will be at liberty to produce the same.

09. Thus, the instant writ petition, is accordingly, '*disposed of*' along with connected application(s) in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
14.10.2025
Mihul

Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No