

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 4275 of 2013 (O&M)
Date of Decision: 07.08.2015

Punjab State Power Corporation Limited.

.....Petitioner

Vs.

Appellate Authority Ludhiana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Yash Paul Khullar, Advocate,
for the petitioner.

Mr. P.S. Mattewal, Addl., A.G., Punjab.

Mr. S.S. Chatrath, Advocate,
for respondent No. 2.

SABINA, J.

Petitioner has filed this petition challenging the order dated 27.03.2012.

Learned counsel for the petitioner has submitted that the assessment order for unauthorized use of electricity under Section 126 of the Electricity Act, 2003 was issued to the respondent qua industrial meter. Appeal against the order of assessment dated 09.06.2011 was maintainable before Electricity Deputy Commissioner (General) and the appeal filed by the respondent No. 2 before Sub Divisional Magistrate was not maintainable. In this regard, learned counsel for respondent No. 2 has placed reliance on

electricity supply instructions 101.1 (e) which reads as under:-

(e) Appeal To Appellate Authority

Any consumer/person aggrieved by the final assessment order made by the assessing officer may within 30 days of the said order, prefer an appeal before the appellate authority in the specified form given at the end of this section as Annexure-3 duly signed & verified. The Govt. of Punjab vide notification No. 1/13/04-EB (PR) 161 dated 09.03.2006 has designated the following officer of the State Government as Appellate Authority for the purpose of deciding appeals under Section 127 of the Electricity Act 2003 against the orders of the Assessing Officers made under Section 126 of the said Act:-

Table-2

Category of consumers		Appellate Authority
For appeals by all HT consumers	:	Divisional Commissioners in whose jurisdiction the concerned premises is located.
For appeals by all LT industrial consumers	:	Additional Deputy Commissioners (General) in whose jurisdiction the concerned premises is located.
For appeal by all other LT consumers	:	Sub Divisional Magistrate in whose jurisdiction the concerned premises is located.

Faced with the situation, learned counsel for respondent No. 2 has submitted that this petition be allowed and respondent No. 2 be permitted to approach Electricity Deputy Commissioner (General) by way of appeal against the final assessment order.

Accordingly, this petition is allowed. Impugned order dated 27.03.2012 is set aside. However, respondent No. 2 is permitted to approach concerned Additional Deputy Commissioner (General) by way of appeal challenging the order of final assessment dated 09.06.2011, within 30 days from today, if so advised.

**(SABINA)
JUDGE**

August 07, 2015
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