

CWP No.8722 of 2000

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.8722 of 2000

Date of Decision: August 05, 2015

M/s Kabir Woollen Mills, Ludhiana

...Petitioner

Versus

Punjab State Electricity Board & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vikas Singh, Advocate
for the petitioner.

Mr. R.S. Riar, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court impugning the various orders passed by the authorities of the respondent, however, for the purpose of disposal of the present writ petition, the details of the case need not be mentioned.

Counsel for the petitioner has asserted that vide impugned order dated 16.05.2000 (Annexure P-18) passed by the Appellate Authority under the Indian Electricity Regulations, cannot be sustained for the reason that the Committee which had heard the matter and reserved the order, did not pronounce the same prior to the members having changed. The subsequent Committee could not have pronounced the order. He further refers to the communications dated 29.11.1999 (Annexure P-10), 01.12.1999 (Annexure P-11) and

09.02.2000 (Annexure P-13) which clearly indicates that the matter before the Dispute Settlement Authority regarding A/C No.LS-8 was still pending, whereas, in the order which has been communicated to the petitioner Annexure P-18, the order starts by asserting that the Board Level Reviewing Committee in its meeting held on 11.08.1999 and 13.10.1999 at Patiala, heard the matter against the decision of the Dispute Settlement Authority.

As per the stand explained by the respondents in the written statement, it has been stated that the decision was taken by the earlier Committee and the subsequent Committee had only released the said decision. It has further been stated that the order has been finalized on 13.10.1999 but could not be released as the Chairman of the Committee and some members had changed. This explanation of the respondent-Board cannot be accepted.

Perusal of the communications dated 29.11.1999 (Annexure P-10), 01.12.1999 (Annexure P-11) and 09.02.2000 (Annexure P-13) clearly indicates that there was no final decision on the appeal preferred by the petitioner against the decision of the Dispute Settlement Authority. Since it creates a doubt with regard to the authenticity of the decision which has been taken by the Board Level Reviewing Committee, it would be just and appropriate that the matter be remanded back to the Board Level Reviewing Committee, to pass a fresh order on the appeal/representation preferred by the petitioner within a period of three months from the date of receipt of

CWP No.8722 of 2000

certified copy of this order by giving notice to the petitioner and hearing him. Decision so take be conveyed to the petitioner forthwith.

It goes without saying that the impugned order Annexure P-18 is set aside.

Parties to bear their own costs.

August 05, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE