

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

DATE OF DECISION: JULY 09, 2015

M/s Aero Toughened Glass (P) Ltd., District Amritsar

.....Petitioner

VERSUS

Punjab State Power Corporation Ltd., Patiala and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. G. S. Gandhi, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of counsel for the petitioner that the order passed by the Zonal Dispute Settlement Committee dated 25.08.2008 (Annexure P-4) has not been complied with in toto as there was a direction that a detailed investigation be carried out by the Superintending Engineer/D.S. Circle, Tarn Taran and the officers/officials found responsible be proceeded against as there was delay in installation/replacement of the electricity meter of the petitioner-firm. He contends that till date no such enquiry has been held and no officer/official has been held guilty/responsible for the delay in installation/replacement of the electricity meter.

This contention of counsel for the petitioner cannot be accepted

in the light of the information, which has been placed on record as

Annexure P-8, which is a communication dated 11.11.2014, addressed to the Additional Executive Engineer (Distribution), Punjab State Power Corporation Limited, Rural Division, Tarn Taran, from the Sub Divisional Officer, Punjab State Power Corporation Limited, Khadoor Sahib, where it has been stated as follows:-

“Thereafter one meter was arranged by M.E.Lab Verka (Amritsar) from ME Lab, Ludhiana and issued the same on 8.1.2002 to S.D.O. Khadoor Sahib, which was installed in the premises of the firm on 9.1.2002. If there was some delay it was due to the reason of non availability of meter in the M.E.Lab and no official was responsible in that way. A report in this connection could not be prepared as the firm has challenged the decision of D.S.A. in the Hon'ble Punjab and Haryana High Court Chandigarh and the matter being pending in the Court any action to be taken was not possible during the pendency of the case. The Hon'ble Court decided the matter vide CWP No.18996 of 2008 on 4.3.2011 and the office of S.D.O. has implemented the decision. Against this decision the firm has tried to file a case or appeal the Hon'ble Court has not accepted the same. The amount was charged from the firm as per the decision of the court. Hence, no further relief can be given to the firm and this complaint is consigned.”

Counsel for the petitioner asserts that the observations in the above referred two paragraphs about the filing of the writ petition by the petitioner and the appeal against the order passed by the learned Single

Judge will not exonerate or give a ground/excuse to the Superintending Engineer for not taking action against the official responsible for the delay and, in fact, no such enquiry as has been mandated by the Zonal Dispute Settlement Committee in its order dated 25.08.2008 (Annexure P-4) has been held.

This contention, in the light of the earlier part of the paragraph, which has been reproduced above, cannot be accepted. The later part of this paragraph merely gives an explanation for not holding the enquiry prior to what has been done now.

Counsel for the petitioner has thereafter referred to a communication dated 11.06.2014 (Annexure P-12) from the Sub Divisional Officer, Khadoor Sahib, to the Additional Executive Engineer, Sub Urban Division, Khadoor Sahib, which is an information supplied under the Right to Information Act, 2005, which again is an explanation for the delay in holding the enquiry.

In view of the above, this Court is of the considered view that the observations/order of the Zonal Dispute Settlement Committee dated 25.08.2008 (Annexure P-4) has been fully complied with and it has been concluded on the basis of the records that although there has been a delay in installation of the electricity meter in the premises of the petitioner-firm but the same was due to the reason of non-availability of the meter in the M.E.Lab and there was no cause of any apathy on the part of the officials, who could be held responsible for the said delay.

It appears that the petitioner having lost its case upto the Division Bench of this Court is now grinding its axe against the officials of the respondent-Corporation and is harping over the fact that the

Superintending Engineer, D.S. Circle, Tarn Taran has personally not held the enquiry and rather has called for the report from the Additional Executive Engineer. This would not make any difference as it is borne out from the records that electricity meter was not available and was arranged from different circle and then installed in the premises of the petitioner, for which no official can be held responsible.

In view of the above, the present writ petition stands dismissed.

July 09, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE