

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

DATE OF DECISION: JULY 15, 2015

Punjab Small Industries and Export Corporation Ltd. (PSIEC, Chandigarh

.....Petitioner

VERSUS

Punjab State Power Corporation Ltd. (PSPCL), Amritsar and another

....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. Indresh Goel, Advocate
for the petitioner.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this court impugning the minutes of the meeting of the Sub Urban Disputes Settlement Committee dated 08.02.2010 (Annexure P-1), vide which the petitioner was assessed liable to pay the charges, as provisionally assessed, on the ground that while submitting the form at the time of seeking the electricity connection, although it was mentioned that 163 lamps of 70 watts were to be utilized against the connection applied for but there was no mention that the said lamps would be used for the purpose of street light. The connection, which was taken by the petitioner, was for business class. Since the information was not correctly disclosed at the time of submission of the application and the connection was used for a different purpose, the petitioner was held liable to be charged for the purpose for which these 163 lamps were being

used.

Petitioner, thereafter, had filed a Civil Suit which has been dismissed by the Civil Judge (Junior Division), Amritsar vide judgment dated 19.03.2015 (Annexure P-3), holding that the Civil Court has no jurisdiction to entertain the suit as the same is specifically barred under the Electricity Act, 2003 (for short, “the Act”).

It is the contention of counsel for the petitioner that while making the provisional assessment under Section 126 of the Act, the petitioner was not associated with the same and the inspection was not carried out in its presence. Therefore, the petitioner has been denied the benefit of the principles of natural justice as it has been held liable for the amount, which has been assessed at its back.

This contention of counsel for the petitioner cannot be accepted in the light of the facts and circumstances of the present case where there is no dispute with regard to the findings, which have been recorded by the Sub Urban Disputes Settlement Committee referred to above. The petitioner did not apply for street light connection with regard to 163 lamps of 70 watts but had connected these lamps for non-residential category connection which was released to the petitioner as has been applied for. The liability as imposed upon the petitioner, is in accordance with the instructions of the respondent-Corporation and the charges also, which have been levied, are as per the use of the electricity, for which purpose the same was being used i.e. street lights.

Thus, there being no illegality in the orders impugned, the writ petition stands dismissed.

July 15, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE