

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1878 of 2014 (O&M)
Date of Decision : 19.11.2015

Madan Lal

...Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

Mr. J.P.S. Sandhu, Advocate for the respondents.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari thereby quashing the checking reports dated 04.12.2009 (Annexure P-1), dated 29.10.2010 (Annexure P-2) and assessment letters dated 09.04.2012 and dated 13.03.2013 (Annexures P-3 and P-5) respectively and issuance of a writ of mandamus directing the respondents to adjust the excess amount wrongly charged from the petitioner under Bill No. 102 dated 07.10.2013.

Brief facts of the case are that electricity connection of the petitioner was allegedly checked on 04.12.2009. The meter was of three phases but only two

phases were coming in the connection. It is the case of the petitioner that at that point of time, no three-phases connection was even released by the department. They have wrongly assessed the amount.

At this stage, learned counsel for the respondents raised objection that remedy of appeal is available to the petitioner against the orders passed by the authorities under Section 127 of the Electricity Act, 2003.

Be that as it may, the fact remains that an alternative remedy is available to the petitioner. It is submitted by the learned counsel for the respondents that if the appeal is filed within stipulated period as directed by this Court then they will not raise the objection of limitation. The appeal can be decided on merit.

In view of the concession given, this Court relegates the petitioner to remedy of appeal. If the appeal is filed within one month from today, the same shall be heard and decided on merit in view of the statement of the respondent that they will not raise the objection of limitation as the petitioner continued to prosecute this petition under writ jurisdiction under wrong impression, preferably within a period of one month from the date of filing of the appeal. The recovery of amount from the petitioner shall remain stayed till the final disposal of appeal.

If the petitioner has already paid the amount and ultimately the appellate authority comes to a conclusion that

the assessment is wrongly calculated, the same shall be adjusted against future bills.

Disposed of in above terms.

November 19, 2015.
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(PARAMJEET SINGH)
JUDGE