

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 18850 of 2015

Date of Decision: September 08, 2015

Harnek Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Arunjeet Singh Kakkar, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 09.07.2014 (Annexure P/1) passed by respondent no.3 – Assistant Executive Engineer (DS) Division, Ferozeshah, District Farozepur.

Brief facts of the case are that petitioner is a consumer of the Electricity Board and has obtained an electricity connection bearing No. AP25/279 for the agricultural land situated in the revenue limits of Village Saran Wali, Tehsil and District Ferozepur, under the Drip Irrigation Scheme in the year 2012. On 09.07.2014, the electricity

connection of the petitioner was disconnected vide order dated

09.07.2014 (Annexure P/1) on the ground that the said connection has been taken under the Drip Sprinkling System, but during inspection, it was found that the petitioner was not operating the same and was using the same for direct irrigation purposes. Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the paper book.

The Bill-cum-Assessment Order (Annexure P/1) has been issued under Section 126 of the Electricity Act, 2003 and said order is appealable under Section 127 of the Electricity Act. Section 127 of the Electricity Act is reproduced as under:-

127. Appeal to appellate authority. - (1) Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to half of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the assessing officer and the appellant.

(4) The order of the appellate authority referred to in sub-section (1) passed under sub-section (3) shall be final.

(5) No appeal shall lie to the appellate authority referred to in sub-section (1) against the final order made with the consent of the parties.

(6) When a person default in making payment of assessed amount, he, in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent per annum compounded every six months”

In view of above, since the alternative remedy is available to the petitioner, instant writ petition is dismissed. However, petitioner will be at liberty to avail the remedy available to him in accordance with law.

September 08, 2015
vkd

[Paramjeet Singh]
Judge