

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

**Letters Patent Appeal No.199 of 2015 (O&M)**  
**DATE OF DECISION: 11.02.2015**

Punjab State Power Corporation Limited and others  
....Appellants  
versus

M/s Ispat Structural (P) Limited .....Respondent

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. P.S. Thiara, Advocate for the appellants  
Mr. Anand Chhibbar, Senior Advocate with  
Mr. Gaurav Manotia, Advocate for the caveator/  
respondent  
..

**S.J. VAZIFDAR, ACTING CHIEF JUSTICE** (Oral) :

Caveat Application:

Learned counsel for the caveator/respondent has put  
in appearance. Caveat stands discharged.

LPA-199-2015:

This is an appeal against the order and judgment of the  
learned single Judge dated 09.09.2014 holding that the  
respondent's case for a one-time settlement under a policy of the  
appellants ought to be considered in view of Clause 7(c) of the  
policy.

2. Clauses 7(a) and 7(c) of the OTS read as under:-

"7(a) Facility of one time settlement to  
consumers whose cases are pending before  
various Forums/Courts is offered after the  
withdrawal of such cases by them from the  
Forum/court.

.....

(c) This package shall also be available to those consumers who are not to get reconnection but want to clear the outstanding amount to get No. due certificate from PSPCL."

3. Clause 7(a) is irrelevant and cannot be availed of by the respondent. It refers to cases filed by the constituent and not by the lender i.e. appellant.

4. The learned Judge, however, has rightly allowed the respondent's application on the basis of Clause 7(c). The respondents admitted before the learned Judge and they make an express statement before us that they are not to get a reconnection at any time hereafter. They state that they are not even going to apply for a reconnection. Needless to add that this statement will operate against the respondent-Company irrespective of any change in constitution thereof. In the event of the respondent-Company applying for reconnection at any stage, the impugned order shall not operate in favour of the respondent-Company and any benefit that the respondent may derive on account of impugned order shall be nullified.

5. As also noted by the learned Judge, the respondent-Company now does not carry on any business. It hardly has any assets. The assets were secured in favour of the financial institutions and even taken over under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Act, 2002. Our attention has not been

invited to any provision of the policy or to any other provision which disentitles the respondent to benefit of the policy despite the fact that it does not desire to seek any reconnection.

6. The appeal is accordingly disposed of subject to the above directions and clarifications.

Needless to add that the appellants would consider the application for a one-time settlement provided all other requirements have been satisfied by the respondent.

As we have disposed of the appeal, application for condonation of delay in filing the appeal is allowed.

**(S.J. VAZIFDAR)**  
**ACTING CHIEF JUSTICE**

11.02.2015  
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**(AMOL RATTAN SINGH)**  
**JUDGE**