

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

RSA No. 4514 of 2013 (O&M)

Date of Decision: 23.01.2015

M/s G.M.P. Finishing Mills and another

.....Appellants

Vs.

Punjab State Electricity Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Suvir Sehgal, Advocate,
for the applicants-appellants.

AMIT RAWAL, J. (ORAL)

C.M. No. 12171-C-2013

The applicant-appellants are permitted to make the deficiency in
Court fee good.

CM stands disposed of.

C.M. No. 12172-C-2013

This is an application under Section 5 of the Limitation Act,
1963, for condonation of delay of 18 days in filing of the appeal.

For the reasons, mentioned in the application, which is duly
supported by an affidavit, delay of 18 days in filing the appeal is condoned.

CM stands disposed of.

C.M. No. 12174-C-2013

Application is allowed, as prayed for.

Annexures A-2 to A-4 are taken on record subject to all just
exceptions.

C.Ms. No. 12173-C, 12175-C and 12176-C-2013

In view of the order, passed in the main appeal, learned counsel

for the applicant-appellants does not want to press the applications.

Dismissed as not pressed.

RSA-4514-2013

Learned counsel for the appellants-plaintiffs very fairly submitted that the suit of the appellant-plaintiff, in view of the provisions of Sections 126 and 145 of the Electricity Act 2003, before the Civil Court at Amritsar, was not maintainable and, therefore, seeks permission of this Court to withdraw the suit and to challenge three memorandums dated 28.09.2004, and as well as the imposition of sur-charge @ 20%, on the basis of circular dated 12/1997, whereby the appellants-plaintiffs have been found to be withdrawing excessive load from the existing connection.

The prayer of the learned counsel for the appellant-plaintiffs is justified.

The appellants-plaintiffs are permitted to withdraw the suit with liberty to avail alternative remedy, as enshrined under Section 126 of the Electricity Act 2003, in accordance with law.

However, it is made clear that in case, appellants-plaintiffs file an application under Section 126 of the Electricity Act 2003, with an application for condonation of delay, the same shall be considered sympathetically.

Accordingly, the findings recorded by both the Courts below would not be effected on the application while seeking the alternative plea under Section 126 of the Electricity Act 2003.

In view of the above, the appeal is, accordingly, disposed of with the liberty as aforesaid.

(AMIT RAWAL)
JUDGE

January 23, 2015
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