

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

CWP No.18594 of 2011
Date of Decision:- 21.12.2016

M/s Punjab Stone Crusher

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sanjiv Gupta, Advocate,
for the petitioner.

Mr.P.P. Chahar, DAG, Haryana.

Mr.Mohnish Sharma, Advocate,
for respondents No.2 to 4.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of three writ petitions bearing CWP Nos.18594, 24446 and 24458 of 2011 as the issue involved in all the cases is the same and can be decided by a common order. However, for the sake of convenience, the facts of the case are being extracted from CWP No.18594 of 2011.

In brief, the petitioner is a consumer of electricity having electric connection No.LS-174 and sanctioned load of 69.565 KW. There was a line of 33 KVA but the connections were more than the load capacity given to the stone crushers and others for commercial purposes and because of this reason the Maximum Demand Indicator (MDI) increased. The petitioner deposited the MDI being afraid of disconnection of the electricity

and filed a complaint before the Consumer Forum, Bhiwani, which was

allowed holding that the penalty imposed to the tune of ₹73,133/- towards difference of unauthorized load was illegal and the said amount was ordered to be refunded with interest. The order of the District Consumer Disputes Redressal Forum, Bhiwani was challenged by the respondents in appeal before the State Consumer Disputes Redressal Commission, Haryana which was allowed on 04.07.2011 holding that the complaint filed by the petitioner was not maintainable as the stone crushers would not fall within the purview of the consumer dispute however, a similar matter pertaining to the stone crushers reached to the National Consumer Disputes Redressal Commission wherein the maintainability of the complaint was upheld.

Learned counsel for the petitioner has thus, submitted that since the National Consumer Disputes Redressal Commission has upheld the complaint filed by the stone crusher, therefore, the order passed by the State Consumer Disputes Redressal Commission, Haryana may be set aside and the matter may be remanded back to it to decide the same on merits, in accordance with law.

Learned counsel for the respondent has not raised any objection against the setting aside of the order passed by the State Consumer Disputes Redressal Commission, Haryana by which the petitioner has been non-suited on account of filing a complaint to the Consumer Forum. Consequently, the present petition is hereby allowed and the order passed by the State Consumer Disputes Redressal Commission, Haryana is hereby set aside and the matter is remanded back to it to decide the *lis* between the parties on merits.

The parties are directed to appear before the State Consumer Disputes Redressal Commission, Haryana on 24.01.2017 and till then the interim order of stay of recovery shall continue. The State Consumer

Disputes Redressal Commission, Haryana is further directed to decide the matter as early as possible, preferably within a period of three months from the date of appearance of the parties before it.

21.12.2016

Vivek

(RAKESH KUMAR JAIN)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>