

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.16921 of 2012
Date of decision:20.9.2016

Bal Kalan Industrial Welfare Association

...Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vivek Slathia, Advocate for the petitioner.
Mr.Vikas Chatrath, Advocate for respondents No. 1 to 3.
Mr.Sanjiv Pabbi, Advocate for respondent No.4.

RAMESHWAR SINGH MALIK, J. (Oral)

It is not in dispute that the petitioner has got the remedy of appeal against the impugned order before the Appellate Tribunal under Section 111 of the Electricity Act, 2003. It is also not in dispute that the Appellate Tribunal has been constituted and working. Petitioner has not availed its remedy of appeal, before approaching this Court by way of present writ petition.

In view of the above-said undisputed fact situation, petitioner is relegated to its equally efficacious alternative remedy of statutory appeal before the Appellate Tribunal.

The above-said view taken by this Court also finds support from an order passed by this Court in **CWP No.22256 of 2012 (M/s Victor Forgings Vs. Punjab State Power Corporation Ltd. and others.)**

However, it is made clear that if the petitioner would file appeal within the stipulated period of 45 days from the date of receipt of a certified copy of this order, provided under the Electricity Act of 2003, the respondents shall not raise the issue of limitation before the Appellate Tribunal.

With the above-said observations made, the present writ petition stands disposed of.

20.9.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No