

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

**CWP No.23242 of 2011  
Date of decision: 26.08.2016**

**M/s Sachdeva & Sons Rice Mills Ltd.**

**... Petitioner**

**Vs.**

**Punjab State Electricity Board and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Naveen Kumar, Advocate for  
Mr. Vaneet Soni, Advocate  
for the petitioner.

Mr. B.S. Taunque, Advocate  
for respondents No.1 to 4.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Learned counsel for the petitioner submits that vide impugned order dated 16.12.2009 (Annexure P-9), Ombudsman Electricity, Punjab, Chandigarh dismissed the appeal of the petitioner only on account of delay. He further submits that let the appeal of the petitioner be decided on merits, by issuing appropriate directions.

Faced with the above, learned counsel for the contesting respondents also fairly submits that in fact the petitioner did not avail his remedy of appeal before the Board Level Review Committee (BLRC), at the first instance and in the absence of any such appeal having been filed by the petitioner, his appeal before the Ombudsman Electricity, Punjab was not even

maintainable.

However, it has not been so observed by Ombudsman by passing the impugned order. The impugned order has been passed only on account of delay and not on merits.

After hearing the learned counsel for the parties, impugned order dated 16.12.2009 (Annexure P-9) passed by Ombudsman Electricity, Punjab-respondent No.2 is set aside and the matter is remitted to the Ombudsman Electricity, Punjab-respondent No.2 for deciding the appeal of the petitioner afresh, after passing an appropriate order, strictly in accordance with law. It goes without saying that since the matter is hanging fire for quite some long time, Ombudsman Electricity, Punjab-respondent No.2 shall decide the appeal of the petitioner at an early date, by passing appropriate order, strictly in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

26.08.2016  
*vishnu*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |