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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**CWP No.2395 of 2013**  
**Date of decision:17.05.2016**

Maghar Singh Grewal and another ...Petitioners

Versus

Punjab State Power Corporation Ltd. and others ...Respondents

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. Ajaivir Singh, Advocate,  
for the petitioners.

Ms. Radhika Suri, Sr. Advocate, with  
Ms. Rinku Dahiya, Advocate, for the respondents.

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**Rakesh Kumar Jain, J.**

The petitioners have alleged that the respondents have issued only a notice of provisional assessment made under Section 126 of the Electricity Act, 2003 (hereinafter referred to as the "Act") and without communicating the final assessment order, notice of disconnection of electricity has been issued.

At the time of issuance of notice in this case, restoration of electricity was ordered as an interim measure. However, in the reply filed by the respondents, it is alleged that the provisional assessment order was passed on 08.11.2008 and the final assessment order was passed on 17.12.2008, which was conveyed to the petitioners.

It is contended by the counsel for the respondents that the provisional assessment order was challenged by the petitioners by way

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of civil suit which was withdrawn and rather an appeal was filed against the alleged order of disconnection of electricity. The said appeal was not entertained by the Competent Authority on the ground that the appeal lies against the final assessment order and hence, the said appeal was also withdrawn by the petitioners.

Counsel for the petitioners has submitted that they have already deposited 40% of the total amount assessed as per the final assessment order dated 17.12.2008 and has alleged that they would challenge the order dated 17.12.2008 before the Competent Authority in terms of Section 127 of the Act but in that case, issue of limitation may not be raised against them and the interim direction passed by this Court may be allowed to continue till the appeal is decided one way or the other.

Counsel for the respondents did not raise any objection in this regard.

Consequently, the present petition is hereby disposed of with liberty to the petitioners to file an appeal in terms of Section 127 of the Act against the final assessment order dated 17.12.2008. If such an appeal is filed by the petitioners within 15 days from today, then the respondents would not raise any objection in regard to limitation, if any, and the Appellate Authority shall decide the appeal as expeditiously as possible, preferably within a period of two months and till then, the interim order passed by this Court shall continue.

**May 17, 2016**  
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**(Rakesh Kumar Jain)**  
**Judge**