

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

LPA No.1807 of 2015

Date of decision: May 16, 2016.

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD & ORS

... **Appellants**

v.

M/S M.B. MALLS PVT LTD

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**  
**HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri R.S. Longia, Advocate, for the appellant.

Shri Yash Dev Kaushik, Advocate for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

**Surya Kant, J.** (Oral):

The controversy pertains to the demand raised against the respondent for payment of electricity charges for the period 3.2.2010 to 10.6.2013. The learned Single Judge has set aside the demand notice on the ground that under Section 56(2) of the Electricity Act, 2003, no sum due from any consumer is recoverable “after the period of two years from the date when such sum became due unless it has been shown continuously as recoverable as arrears of charges for electricity supplied”.

In the instant case, the disputed period is from 3.2.2010 to 10.6.2013. The demand notice was issued on 27.6.2013. In this manner and applying the reasoning given by the learned Single Judge, the appellants are liable to raise demand and issue notice for the period from 27.6.2011 to 26.6.2013. This fact has not been disputed by learned counsel for the

respondent also. Consequently, the appellants shall be at liberty to issue a revised notice for the aforesaid period. However, if the respondent has, in the meanwhile, deposited any amount, the same shall be adjusted against the claim to be raised by the appellants. The order passed by the learned Single Judge to this extent stands clarified/modified.

The appeal stands disposed of accordingly.

**[ Surya Kant ]**  
**Judge**

**[ A.B. Chaudhari ]**  
**Judge**

May 16, 2016.  
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