

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

**LPA No. 681 of 2016 (O&M)
Date of Decision: - 4.5.2016**

**Punjab State Power Corporation Ltd.
and another**

.....Appellants

versus

M/s R.K.Welds Pvt. Ltd.

.....Respondent

**CORAM: - HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: - Mr. Pankaj Bhardwaj, Advocate for the appellants.

Mr. Ankit Goel, Advocate for caveator/respondent

.....

Rajesh Bindal, J.

Challenge in the present appeal is to the order passed by the learned Single Judge on 2.3.2016 disposing of the writ petition filed by the respondent herein with a direction to the appellant herein to refund the amount deposited by the respondent, which ultimately found to be not due. Respondent deposited a sum of ₹ 25,36,500/- on account of alleged theft. The case built against the respondent was found to be false.

Section 154 of the Electricity Act, 2003 (for short the 'Act') provides that in case any amount paid by the consumer is found to be in excess of the amount due, the said amount shall

be refunded within a fortnight from the date of communication of the order together with interest at the prevailing Reserve Bank of India prime lending rate from the date of such deposit till the date of payment.

Learned Single Judge has directed for refund of the amount along with interest @ 9% per annum from the date of deposit till the date of realization.

The contention of learned counsel for the appellants is that fortnight period given for refund of the amount is too short and some reasonable time should have been granted. Section 154(6) of the Act provides a fortnight for refund of the amount to the consumer after communication of the order. Once, the statute provides for the period the appellant is bound to comply with the same. On failure clause for payment of interest has been provided just with a view to ensure that amount illegally recovered from the consumers is not retained indefinitely. The relevant provision reads as under: -

Section 154 (6) : In case the civil liability so determined finally by the Special Court is less than the amount deposited by the consumer or the person, the excess amount so deposited by the consumer or the person, to the Board or licensee or the concerned person, as the case may be, shall be refunded by the Board or licensee or the concerned person, as the case may be, within a fortnight from the date of communication of the

order of the Special Court together with interest at the prevailing Reserve Bank of India prime lending rate for the period from the date of such deposit till the date of payment.”

For the aforesaid reasons, we do not find any reason to interfere in the order passed by the learned Single Judge.

Dismissed.

(RAJESH BINDAL)
JUDGE

4.5.2016
preeti

(HARINDER SINGH SIDHU)
JUDGE