

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

Civil Writ Petition No.21715 of 2012
Date of Decision: March 10, 2017

A.R.Castings Pvt.Ltd., Mandi Gobindgarh

...Petitioner

Versus

Punjab State Power Corporation Ltd., Patiala & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Ms.Diksha Sharma, Advocate for
Mr.P.L.Singla, Advocate,
for the petitioner.

Ms.Monika Sharma, Advocate for
Mr.Mukul Aggarwal, Advocate,
for respondent Nos.1 to 7.

Mr.Vikas Chatrath, Advocate,
for the PSTCL.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner in the present writ petition is to the demand notice dated 13.10.2009 (Annexure P-5), whereby a sum of Rs.7,77,100/- on account of service connection charges owing to the extension of load, being 100% liability, had been demanded.

The contention of the learned counsel for the petitioner is that already a demand had been raised on the basis of an objection raised by the audit, whereas the Chief Engineer/Commercial PSEB, Patiala had already held that the liability of service charges was not upon the consumer. Reference has been made to the letter dated 3.3.2005 (Annexure P-4).

On the contrary, learned counsel for the respondents submit

that the petitioner has an alternative remedy under the provisions of Section 42(6) of the Electricity Act, 2003, i.e., before the Ombudsman. I am of the view that such matter is required to be gone before the Ombudsman, i.e., assailed under the aforementioned provisions.

Accordingly, the petitioner is relegated to avail the remedy before the Ombudsman. If the petitioner approaches Ombudsman, the period already spent in this Court shall be deemed to be condoned and the Ombudsman is directed to dispose of the matter within one month from the date of receipt of certified copy of this order.

With the aforementioned observations, writ petition stands disposed of.

March 10, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No