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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16878-2015

Date of decision : 20.01.2017

Ashok Kumar Marhetta

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naren Pratap Singh, Advocate for
Mr. Ramender Chauhan, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

Mr. Arihant Goyal, Advocate
for respondent Nos.2 to 6.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned order dated 22.01.2015 (Annexure P-7) vide which he had availed the remedy under Section 127 of the Electricity Act against the final assessment order with regard to the alleged demand raised by the Electricity Board.

The petitioner has approached this Court vide **CWP No.19198 of 2014** titled as **"Ashok Kumar Marhetta V/s State of Haryana"**, which was decided vide order dated 16.09.2014, resultantly, filed an appeal (Annexure P-5) which has been dismissed vide order dated 22.01.2015 (Annexure P-7) on the ground that the appeal was not accompanied by any application seeking condonation of delay. The Appellate Authority should

not have so rigid and followed the provisions of law strictly particularly owing to observation of this Court. The petitioner should have been given an opportunity to move an application, in case there was any delay and should have decided on merit by considering the request for seeking condonation of delay. All this procedure has not been followed.

For the foregoing reasons, the impugned order dated 22.01.2015 (Annexure P-7) is hereby set aside and the matter is remitted back to the Appellate Court.

The petitioner shall be at liberty to move an application seeking condonation of delay along with the appeal, if any.

The Appellate Authority shall decide the appeal along with the application seeking condonation of delay in a pragmatic and reasonable manner as expeditiously as possible preferably within a period of three months from the receipt of the certified copy of the order.

With the aforesaid observations, the present writ petition stands disposed of.

20.01.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes**

Whether Reportable **No**