

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

**CM No. 12838-CWP of 2017 &
CM No. 12724-CWP of 2017 in
CWP No. 19349 of 2017 (O&M)
Date of decision : 11.09.2017**

Punjab State Power Corporation Ltd.

....Petitioner

V/s

Patran Transmission Company Ltd & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Tushar Sharma, Advocate for the petitioner.

Ms. Poonam Verma, Advocate for respondent no. 1.

Ms. Rupa Pathania, Advocate for respondent no. 3.

RAJAN GUPTA J.

CM No. 12838-CWP of 2017

This is an application for placing on record the memo dated 02.09.2017 issued by the petitioner to Northern Region Load Dispatch Center. Application is allowed as prayed for. Memo is taken on record as annexure A-1.

CWP No. 19349 of 2017 (O&M)

Petitioner has sought a writ in the nature of certiorari for quashing notice dated 23.08.2017, Annexure P-5 issued by respondent no. 1- a private company, proposing to disconnect the transmission of electricity to State of Punjab for non-payment of dues. While issuing notice of motion on 28.08.2017, this court had stayed the disconnection of electricity subject to petitioner-Corporation furnishing adequate security in an amount of ₹10

crores to the satisfaction of respondent no. 3. Mr. Rupa Pathania, Advocate has put in appearance on behalf of respondent no. 3. She submits that respondent no. 3 has no role to play being a monitoring agency under section 26 of the Electricity Act.

Admittedly, appeal has already been preferred by petitioner-Corporation before the appellate body in New Delhi. Same is listed for hearing on 21.09.2017. Learned counsel are ad idem that issue can be decided by the said authority.

Learned counsel appearing for the petitioner-Corporation submits that he shall furnish a bank guarantee of ₹10 crores with respondent no. 1 within a week from today. Learned counsel appearing for respondent no. 1 submits that bank guarantee shall not be encashed till a decision is taken on the appeal/interim application moved by the Corporation before appellate authority.

In view of above, no further adjudication of the matter is necessary. Petition is hereby disposed of. Needless to observe that appellate body would be at liberty to decide the appeal/all applications pending therein, without being influenced by any of the observations made hereinabove.

September 11, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No