

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

CWP 7662 of 2012

Date of decision: 20.1.2017

Punjab State Power Corporation Ltd

Petitioner

vs.

Chairman, Permanent Lok Adalat, Ludhiana and anr

Respondent

Present: Mr. PPS Thethi, Advocate.
Mr. JS Jaidka, Advocate for respondent No.2

M.M.S.BEDI,J.

The petitioner has challenged order dated 24.5.2010 (Annexure P-5) passed by Permanent Lok Adalat setting aside the assessment order dated 14.5.2009 for a sum of Rs.9,71,591/- and remanding the case to Senior Executive Engineer, CMC Division, Punjab State Power Corporation Ltd. (for short 'the Corporation') to re-assess the penalty in the light of the observation made in the Award and the parameters laid down in Commercial Circular No. 53/2006 by serving prior notice and by giving opportunity of hearing to respondent No.2. Instead of availing the said remedy, the petitioner-Corporation has approached this court invoking the jurisdiction under Article 226/227 of the Constitution of India.

I have heard counsel for the parties and I am of the opinion that the Corporation has, instead of approaching the authority vested with the competent jurisdiction, opted to avail the remedy of writ petition by approaching this court. The pleas raised before this court by way of writ petition can always be raised before Senior Executive Engineer, competent

to determine the plea of respondent No.2 and the petitioner.

The petition is accordingly disposed of with a direction to the parties to approach Senior Executive Engineer, CMC Division within a period of three months, who would pass a speaking order on the basis of the revised final assessment as per rules and regulations. Since counsel for respondent No.2 is present, respondent No.2 will be deemed to have notice to appear before the said authority and participate in the proceedings of re-assessment.

January 20 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No