

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

CWP-9370 of 2012

Date of decision : 13.01.2017

Punjab State Power Corporation Limited

..... Petitioner

VERSUS

M/s Northern India Steel Fabricator and Allied Industries and
another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Parminder Singh, Advocate for the petitioner.
Mr. Sandeep Jain, Advocate for respondent No.1.

AMIT RAWAL, J.

The petitioner-State Power Corporation is aggrieved of the order, Annexure P1, whereby appeal of the respondent-Consumer filed under Section 127 of the Electricity Act, 2003 has been allowed.

Mr.Parminder Singh, learned counsel appearing on behalf of the petitioner submits that on the basis of checking report, Annexure P.2, it was found that the respondent-consumer had obtained the electric connection for industrial unit but used the same for showroom-cum-office. It is this background, the demand was raised as he had not obtained

a separate connection, i.e commercial for the purpose of showroom.

In appeal, no evidence was placed, yet the Deputy Commissioner set aside the checking report, much less, without passing any assessment order and, therefore, the order is sketchy and liable to be set aside.

Mr.Sandeep Jain, learned counsel appearing for respondent No.1 submits although that the writ petition is totally bereft of any evidence, much less to show that the electric connection was used for the showroom but has not been able to satisfy on query being raised by this Court during the hearing of this case, as to what documentary evidence had been annexed along with the appeal, before the appellate authority enabling it to accept the appeal.

In the manner indicated above, I am of the view that the impugned order, Annexure P.1, is not sustainable and is hereby set aside. The matter is remanded back to the Appellate Authority to decide the appeal filed under Section 127 of the Electricity Act afresh after affording appropriate opportunities to both the parties to lead evidence qua the existence of showroom or otherwise.

It would be appreciated in case the appeal is decided within a period of six months from the date of receipt of a certified copy of this order.

The parties through their counsel are directed to appear before the Appellate Authority on 10.2.2017.

(AMIT RAWAL)
JUDGE

January 13, 2017
Ramandeep Singh/KD

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes / No