

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 27408 of 2015
Date of decision : September 25, 2017

DCM Textiles Hisar(Unit of DCM Ltd.)

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:-

Mr. Chetan Mittal Senior Advocate with
Mr. Varun, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG., Haryana.

Mr. Raheel Kohli, Advocate
for respondent No.5.

RAKESH KUMAR JAIN, J (oral).

This petition is filed for quashing the impugned memo dated 21.8.2015 and demand of advance under the garb of one month 'advance consumption deposit' in respect of open access purchased by the petitioner.

Learned Senior Advocate has submitted that the petitioner has a remedy before the Haryana Electricity Regulatory Commissioner, Panchkula (HERC) and would file appropriate application/petition along with an application for stay which may be directed to be decided expeditiously. He has prayed that in case he files the application/petition before the HERC along with application for stay by tomorrow, the said application may be ordered to be decided as early as

possible preferably before 28.9.2017.

Counsel for the respondents has not raised any objection.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances narrated before me, the present petition is disposed of with the direction that in case, the petitioner avails the remedy of filing application/petition along with an application for stay by tomorrow as stated, then HERC shall consider the application and shall decide the same on or before 28.9.2017 as the next electricity bill is due w.e.f. 28.9.2017 in which the respondents would definitely charge the “sundry charges” in respect of open access purchased by the petitioner and may also threat the dis-connection of the electricity connection.

A copy of this order be given to the learned counsel for the petitioner under signatures of the Special Secretary attached to this Bench.

(RAKESH KUMAR JAIN)
JUDGE

September 25, 2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No