

CWP-8230-2013

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

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**CWP-8230-2013 (O&M).
Decided on: February 16, 2017.**

Raman Mahajan

.. Petitioner(s)

VERSUS

Sub Divisional Magistrate, Gurdaspur and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Inderjit Sharma, Advocate,
for the petitioner.**

Mr.A.P.S.Mann, Addl. A.G. Punjab.

**Mr.Vishal Chaudhary, Advocate,
for respondent nos.2 and 3.**

M.M.S. BEDI, J. (ORAL)

Aggrieved by the assessment made under Section 126 of the Electricity Act, 2003, the petitioner had approached the Appellate Authority under Section 127 of the Electricity Act, 2003, i.e. the Sub Divisional Magistrate, Gurdaspur, respondent no.1, exercising the powers of Appellate Authority under the relevant provisions made under the Electricity Act but his appeal was disposed of vide Annexure P5 dated 12.2.2013, observing that the remedy available to the petitioner was to file an appeal before the Consumer Grievance Redressal Forum.

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Since the petitioner had already exercised his option to approach the said Forum, the petitioner has challenged the order Annexure P5 dated 12.2.2013.

Counsel for the petitioner has submitted that the appropriate remedy for the petitioner is before the Sub Divisional Magistrate, exercising powers under Section 127 of the Electricity Act, 2003, and that the said authority vide Annexure P5 dated 12.2.2013, has wrongly evaded the adjudication of the assessment.

Both the parties are ad idem that the jurisdiction under Section 127 of the Electricity Act, 2003, vests in the Sub Divisional Magistrate, Gurdaspur.

I have considered the contention of the learned counsel for the parties and I am of the opinion that on account of uncertainty about the Forum for adjudication of the controversy, the petitioner is being compelled to run from pillar to post which is against the principle of ubi jus ibi remedium i.e., for every wrong the law provides a remedy.

After hearing the counsel for the parties, I am of the opinion that appropriate remedy for the petitioner is to approach the Sub Divisional Magistrate, Gurdaspur. Since the petitioner has already approached the said authority and no order has been passed, this petition is disposed of with a direction that the petitioner will approach the Sub Divisional Magistrate, Gurdaspur within a period of one month from today for adjudication of his claim. It will be open to the petitioner to raise all the pleas of facts and law before the said authority while challenging the

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assessment which has been made against the petitioner.

(M.M.S. BEDI)
JUDGE

February 16, 2017.

rka	Whether speaking / reasoned	Yes / No
	Whether reportable:	Yes / No