

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

CWP 3291 of 2017
Date of decision: 20.2.2017

Maghar Singh Grewal

Petitioner

vs.

PSPCL and others

Respondent

Present: Mr. AK Kalsey, Advocate.

M.M.S.BEDI,J.

Despite 50% of the amount having been deposited, the appeal of the petitioner has not been entertained by the appellate authority .

Taking into consideration the totality of the circumstances, mentioned in the petition, I am of the considered opinion that the petitioner deserves adjudication of his claim as per law on merits u/s 127 of the Electricity Act. It is an admitted fact that the petitioner has deposited 40% of the amount as per the amount assessed and another 10% of the amount has been deposited on 27.9.2016. The appeal has not been entertained on the ground that he had not complied with the directions of this Court dated 17.5.2016 by filing the appeal within a period of 15 days from the date of order of the High Court. The petitioner has been deprived of an opportunity to have adjudication of his dispute on technical ground .

In view of the above, I am of the considered opinion that the appeal of the petitioner u/s 127 of the Electricity Act deserves adjudication on merits. Accordingly, the petition is allowed. Impugned order dated 24.10.2016 is hereby set aside and a direction is issued to the appellate

authority to entertain the appeal of the petitioner u/s 127 of the Electricity Act and decide the same in accordance with law. The appeal may be filed within a period of 15 days along with a certified copy of this order. In case the appeal is filed within 15 days, it will be entertained.

Nothing mentioned in this order will prejudice the claim of the respondent respondent -PSPCL to contest the appeal on merits.

In case of appeal being filed within the above said period, the electric connection of the petitioner will be restored provided the petitioner is not a defaulter or guilty of any other wrong under the Electricity Act.

February 20 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No