

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 4273 of 2017

Date of Decision: March 3, 2017

Daljeet Kaur

.....Petitioner

Vs.

PSPCL and ors.

.....Respondents

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

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Present:- Mr.Abhimanyu Kalsy, Advocate
for the petitioner.

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

Vide order dated May 17, 2015, the petitioner had been directed to file an appeal within 15 days under Section 127 of the Electricity Act against the final assessment order dated December 17, 2008. It was further directed that in case any appeal is filed within a period of 15 days, then the Electricity Board will not raise any objection with regard to limitation, if any, and the Appellate Authority shall decide the appeal expeditiously.

The Appellate Authority vide order dated October 24, 2016 has dismissed the appeal on the ground that the appeal has not been filed within 15 days as per the order of the High Court and that 10% of the amount due in the account of the Electricity Board has not been deposited.

Counsel for the petitioner submits that 10% amount has already been deposited but there was a delay of 5 days in filing of the appeal. No decision had been taken by the Appellate Authority on merits.

This petition is disposed of at this stage with a direction that the delay of 5 days in filing of the appeal stands condoned by this Court in exercise of powers under Article 227 of the Constitution of India and this order for extension may be read in continuation of the order dated May 17, 2016. The petitioner will appear before the Appellate Authority (Sub Divisional Magistrate, Ludhiana West), within a period of 15 days. The said Authority will decide the claim of the petitioner on merits expeditiously as the delay in filing of the appeal stands condoned. The appeal will be taken into consideration on merits after confirming that the requisite amount due stands already deposited by the petitioner, as claimed before this Court. During the pendency of the appeal, the electric connection against account No. W-41.CS01009N in SCO No. 18, Feroze Gandhi Market, Ludhiana, will continue to operate without prejudice to the rights of the Electricity Department to disconnect it in case of non-payment of any dues against the said account number. Copy of the order be uploaded forthwith.

March 3, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.