

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

(135)

CWP-7085-2017

Decided on: April 03, 2017.

Sokhi Steel Private Limited and another

.... Petitioners

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Sanjeev Sharma, Senior Advocate, with
Mr. Shekhar Verma, Advocate, for the petitioners.

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

Through instant petition, the petitioners challenge the order of assessment for alleged unauthorized use of electricity in the exercise of powers under Section 126 of the Electricity Act, by the competent authority.

It has inter alia been argued by learned counsel for the petitioners that the petitioners had received a notice of provisional order of assessment for unauthorized use for sum of Rs.13,75,401/- but after objections Annexure P-8 having been filed protesting against the provisional order of assessment, final order has been passed by the Assistant Engineer, Annexure P-11 requiring the petitioners to pay a sum of Rs.1,72,32,554/- on the basis of calculation chart appended with Annexure P11.

Learned counsel for the petitioners submits that while making the assessment, order Annexure P-13 was passed at the back of the petitioners and it was never communicated to the petitioner and could only be obtained by the petitioners under the provisions of R.T.I. Act.

I have considered the contentions of learned counsel for the petitioners and I am of the opinion that the petitioners have got an

alternative remedy available under Section 127 of the Electricity Act to approach the Appellate Authority.

The provisional assessment of the amount recoverable from the petitioners, was Rs.13,75,401/- whereas the final assessment has been passed, considering the objections, for an exorbitant amount of Rs.1,72,32,554/-,

Taking into consideration the peculiar circumstances of the case, this Court is of the opinion that the petitioners deserve to be relegated to the alternative remedy of approaching the Appellate Authority but it will be subject to the condition of depositing the entire amount of provisional assessment i.e. Rs.13,75,401/-. It will be open to the petitioners to raise any pleas taken up in this petition or any other legal or factual pleas available to the petitioners before the Appellate Authority.

Nothing mentioned in this order will be deemed to be an expression of opinion on merits of the case which has to be decided by the Appellate Authority.

In case the above said amount is deposited while availing the alternative remedy, the electricity supply on account of non-payment of the final assessment, will not be disconnected.

Disposed of with above observation.

(M.M.S. BEDI)
JUDGE

April 03, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No