

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

(119)

CWP-8492-2017

Decided on: April 25, 2017.

Talwandi Sabo Power Ltd.

.... Petitioner

Versus

Punjab State Load Despatch Centre and others

..... Respondents

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

Present: Mr. Ashwani Chopra, Sr. Advocate, with
Ms. Rupa Pathania, Advocate, for the petitioner.

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

Pursuant to the order passed in CWP-5269-2017 decided on 06.04.2017 titled “Talwani Sabo Power Limited Vs. Punjab State Load Despatch Centre and others” the Division Bench of this Court had directed that propriety of the order imposing penalty is to be considered by the Commercial and Metering Committee constituted under the Regulation 2.7.6 of the Punjab State Electricity Regulatory Commission (Punjab State Grid Code) Regulations, 2013 to consider the objection of the petitioner i.e. Talwandi Sabo Power Ltd.

Petitioner has again approached this Court against the constitution of the members of the Commercial and Metering Committee consisting of Chief Engineer SLDC, PSPCL Patiala and Chief Engineer, PP&R, PSPCL, Patiala, contending that the said Committee consist of two Chief Engineers who had filed written statement in the writ petition and thus are not competent to be the adjudicatory authorities as members of the Committee.

In this context, the petitioner has submitted objections before the Committee of the CMC vide Annexure P-7. The inclusion of the above

said two members who had been pleading case on behalf of respondents No. 1 and 2, is apparently improper and would fall within the ambit of bias which can be made a ground for challenging the order passed by the CMC. The said two persons may act fairly in favour of the petitioner on merits but the justice should not only be done but appear to have been done.

In the interest of justice, I deem it appropriate to dispose of this petition, at this stage, with a direction to respondent No.4-State Grid Code Review Committee to consider representation Annexure P-7, in context to the observation made above, within a period of 15 days after the receipt of certified copy of this order.

It is not out of place to observe here that this Court has opted to dispose of this petition in limine without issuing notice to the respondents with an objective to avoid delay in the adjudication of the matter by CMC as the Division Bench of this Court has already deferred the recovery of any amount of penalty during pendency of the adjudication of the conflict by CMC.

It is observed that it will be obligatory for the petitioner to communicate this order to the respondents, so that the grievance of the petitioner in Annexure P-7 may be looked into by passing a speaking order within a period of 15 days from the date of receipt of copy of this order.

(M.M.S. BEDI)
JUDGE

April 25, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No