

CWP No. 11769 of 2013 (O&M)

:1:

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 11769 of 2013 (O&M)

Date of decision : 14.11.2018

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Punjab State Power Corporation Limited
through Er. H.D Goyal, Addl. Superintending
Engineer Operation City Division, Bathinda

.....Petitioner

Versus

M/s Kashmir Hygenics Pvt. Limited, Bathinda and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: None for the petitioner.

Mr. A.K Khunger, Advocate for respondent no.1.

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RITU BAHRI, J.

C.M No. 10122 of 2014

C.M is allowed. Written statement filed on behalf of
respondent no.1 is taken on record.

CWP No. 11769 of 2013

In this petition, the Punjab State Power Corporation Ltd.
(hereinafter referred to as 'the Corporation') has challenged the order dated
22.11.2012 (Annexure P-2) passed by respondent no.2-Ombudsman
Electricity, Punjab.

The short question that arises for consideration in the present
writ petition is whether the Punjab State Power Corporation can charge
more than the demand notice sent by it at the time of installation of the
electricity meter. A Co-ordinate Bench of this Court in the case of '**Punjab**

State Power Corporation Ltd. vs. M/s Guru Nanak Agro Products Ltd. and another' in ***CWP No. 17698 of 2012*** decided on **2.8.2017** had an occasion to examine this issue. In that case, the competent authority had given a demand notice for depositing ₹ 2,68,772/- and after depositing this amount, the sanctioned load of 139.919 KW with CD-124 KVA was released on 6.10.2010 from UPS Feeder, namely, Chak Nidhana. After sanctioning and releasing the load, an objection was raised by the audit party of AO/Field, Faridkot, during inspection of the Sub Division and a fresh demand was sent to the respondent no.1-M/s Guru Nanak Agro Products Ltd. amounting to ₹ 2,42,828/-. Respondent no.1 challenged the demand of ₹ 2,42,828/- by filing an appeal before the Zonal Dispute Settlement Committee. The Zonal Dispute Settlement Committee held the meeting on 29.9.2011 and decided to recover the amount from respondent no.1. Aggrieved against the said order, appeal was filed before the Forum for Redressal of Grievances of Consumer. Ultimately, the Forum upheld the order of the Zonal Disputes Settlement Committee dated 29.9.2011. Respondent no.1 then filed appeal before the Ombudsman, Electricity, Punjab. The Ombudsman allowed the appeal by taking into consideration Regulation 6.1 of the Supply Code which provides that ***the terms and conditions specified in the demand Notice once issued will not be altered except when necessitated by change in applicable laws.*** While referring to this Regulation, the writ petition filed by the Punjab State Power Corporation Ltd. was dismissed.

In the present case also, the impugned order dated 22.11.2012

(Annexure P-2) has been passed by the Ombudsman Electricity Punjab, Mohali, whereby, while referring to Regulation 6.1 of the Supply Code, the revised demand after release of the connection was held to be not justified.

Writ petition is dismissed being devoid of any merit.

14.11.2018

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(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No