

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20047 of 2015 (O&M)

Date of Decision: 24.09.2018

Punjab State Power Corporation Ltd.

..... Petitioner

Versus

Municipal Council, Mandi Gobindgarh and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Pankaj Jain, Senior Advocate with
Mr. Sachin Bhardwaj, Advocate and
Mr. Divya Suri, Advocate
for the petitioner.

Mr. H. P. S. Ghuman, Advocate
for respondents No.1 and 2.

RAJESH BINDAL J.

Present petition was filed praying for quashing of the order dated 27.01.2015 passed in appeal and the order dated 31.10.2014 passed by the Sub Divisional Magistrate, Bassi Pathana, District Fatehgarh Sahib. The issue pertains to payment of octroi on the electricity supply to M/s Patiala Casting Private Limited.

This Court after hearing learned counsel for the parties passed the following order on 21.07.2016:-

“The dispute in the present petition is between Punjab State Power Corporation Limited and Municipal Council, Mandi Gobindgarh regarding charging of octroi on supply of power to Patiala Casting Private Limited. Initially, the Municipal

Council had issued certificate that Patiala Casting Private Limited is located outside the limits of Mandi Gobindgarh Council, however, later on that certificate was withdrawn. The Punjab State Power Corporation Limited did not charge octroi during that period. Prior to that, the octroi was being charged and the amount collected was deposited with the Municipal Council. As informed, presently Patiala Casting Private Limited is registered with the Board for Industrial and Financial Reconstruction (BIFR) under the provisions of Sick Industrial Companies (Special Provisions) Act, 1985 (SICA).

As two bodies of the State are fighting in the present litigation, it would be appropriate if the Chief Secretary, Punjab depute some Senior officer to sort out the issue.

Adjourned to 08.11.2016.”

Subsequently on 22.03.2017, this Court gave liberty to the parties to take any appropriate action in the matter against the company from whom the recovery is to be effected.

Today, when the case was taken up, learned counsel for the parties agreed that the matter regarding M/s Patiala Casting Private Limited was transferred for consideration to the Chandigarh Bench of the National Company Law Tribunal (NCLT). The petitioner has already filed application in that matter.

Learned counsel for respondents No.1 and 2 submitted that as and when the petitioner receives the amount from M/s Patiala Casting Private Limited, the same be paid to the Municipal Council, Mandi Gobindgarh-respondent No.1.

Learned counsel for the petitioner does not have any objection to the aforesaid prayer of respondents No.1 and 2.

Keeping in view the aforesaid facts, the present petition is disposed of with the observation that as and when the petitioner receives any amount from M/s Patiala Casting Private Limited, the same shall be deposited with respondent No.1.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

24.09.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No