

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

CWP No.15910 of 2018

Date of Decision:16.7.2018

Paramjit Kaur through her Power of Attorney Holder Jagjit Singh
... Petitioner

Versus

The Punjab State Power Corporation Ltd. & Ors
... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.J.S.Jaidka, Advocate for the petitioner

Mr.Sahil Sharma, Advocate for the respondents

RAJIV NARAIN RAINA, J. (Oral)

When this matter came up for hearing on 4.7.2018, I passed the following order:-

“Present: Mr. J.S. Jaidka, Advocate, for the petitioner.

The two crucial issues raised by the petitioner in the appeal in paragraph 7 (i) (ii) have not been dealt with by the appellate authority except to say that regarding these objections the Additional Superintending Engineer, CMC Spl. Division, Ludhiana has discussed in detail in his speaking order dated 17.04.2017. The appellate authority goes on to record that “on the basis of decision taken in this speaking order the assessment order/demand notice dated 21.04.2017 has been issued. Therefore, there is no need of any interference of any type in the speaking order.” The appellate authority was expected to record his reasons on the points raised by the petitioner even if he chose to affirm the findings of the authority as is required of any quasi judicial authority.

Learned counsel points out that 50% of the penalty has been paid to maintain the appeal before the appellate authority. He submits that the electricity connection be restored to him pending the present proceedings.

Notice of motion returnable by 16.07.2018.

Process dasti.

To be shown in urgent list for arguments on stay matter.”

In response to the notice issued by this Court, Mr.Sahil Sharma, learned counsel has appeared for the respondents-Corporation.

Having heard learned counsel for the parties and on the fair statement of Mr. Sharma and without expressing any opinion on the merits of the case, the impugned order passed by the Appellate Authority is quashed being non-speaking. The matter is remitted to the Appellate Authority to pass a fresh order in accordance with law by recording reasons on the issues raised by the petitioner in the grounds of appeal. I am also satisfied that during the pendency of the appeal, the electricity connection should be restored to the petitioner, subject to payment of tariff and dues, if any.

Disposed of accordingly.

(RAJIV NARAIN RAINA)
JUDGE

16.7.2018
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No