

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

CWP No.17112 of 2018

Date of Decision:16.7.2018

Indus Towers Ltd.

... Petitioner

Versus

Punjab State Power Corporation Ltd. & Ors

... Respondents

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

Present: Mr.Vishal Gupta, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

I have heard learned counsel for the petitioner and perused the paper-book.

There has been delay in deciding objections against the order of provisional assessment. Regulation 36.2.3 of the Electricity Supply Code, 2014 effective from 1.1.2015 requires the Assessing Officer to pass a final order of assessment within 30 days from the date of service of the order of the provisional assessment. In this case, the order of provisional assessment was passed on 5th April, 2018 (Annex. P-14). The petitioner applied for obtaining some documents on 11.4.2018 (Annex. P-15) which were needed in his defence. Subsequently, the petitioner filed reminder on 20.4.2018. The documents were made available by the respondents on 24.4.2018 and within seven days, objections have been filed. There has been substantial compliance of Regulation 36.2.1. Presently, more than 2 1/2 months have elapsed and decision has not been conveyed nor the petitioner has been called for hearing which is mandatory under the Regulation. Since there has been want of observance of the procedural safeguard as to limitation under Regulation 36.2.3, it would serve no useful purpose to issue notice to the respondents in this case whereby the

Appellate Authority is called upon to discharge his duty by deciding the objections within the time limit prescribed under the Regulations.

Accordingly, a writ is issued to the Assessing Officer-respondent no.3 to take up the appeal and pass a final order after affording reasonable opportunity of hearing to the petitioner. Since time has already been lost at the hands of the Assessing Officer, it would serve the ends of justice that even now he is given reasonable time of two weeks from the date of receipt of a certified copy of this order to take a final decision and pass a reasoned order and convey the same to the petitioner within the same time frame. Till the objections are not decided, recovery of the disputed amount be not effected. It is ordered accordingly and the petition is disposed of.

16.7.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No