

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

CWP No.3112 of 2018
Date of Decision: 12.02.2018

Union of India and others

. . . . Petitioners

Vs.

Punjab State Power Corporation Ltd. and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.G.S. Bal, Sr. Advocate, with
Mr.Anil Kumar, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners have challenged the validity of the order dated 26.3.2014 passed under Section 126 of the Electricity Act, 2003 [for short 'the Act'] and the order dated 05.7.2017 passed in appeal asking the petitioners to re-file it in terms of Section 127(2) of the Act.

Learned counsel for the petitioners has submitted that the impugned order dated 26.3.2014 (Annexure P-10) has not been passed by the competent authority. It is also submitted that as per the instructions dated 30.9.1986, issued by the Ministry of Transport/Department of Railways, the petitioners are entitled to provide electricity connection to the ATM spaces existing on the platform.

I have heard learned counsel for the petitioners and after considering the facts and circumstances, am of the considered opinion that the present petition is not maintainable because the impugned order passed under Section 126 of the Act is amenable to appeal in terms of Section 127 of the Act. The petitioners have also availed the remedy of appeal under

Section 127(2) of the Act but the memorandum of appeal has been returned by the appellate authority asking the petitioners/appellants therein to comply with the provisions of Section 127(2) of the Act in order to maintain the appeal. The argument of learned counsel for the petitioners is that the impugned order has not been passed by the competent authority or they are well within their rights to provide the electricity connection in terms of instructions dated 30.9.1986 which would be looked into only by the appellate authority before whom the appeal had been preferred and the writ petition would not be the right forum because it is a statutory remedy provided in the Act. At the end, learned counsel for the petitioners has also prayed that the appellate authority may be directed to consider the appeal without asking them to deposit 50% of assessed amount but learned counsel for the petitioners has failed to cite any law for the purpose of taking a view contrary to Section 127(2) of the Act.

Thus, there is no reason to grant the prayer made by the petitioners for entertainment of the appeal by the appellate authority without insisting on the deposit of 50% of the assessed amount.

Dismissed.

12.02.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>