

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.101

LPA No.1829 of 2017 (O&M) in
CWP No.7705 of 2014
Date of decision: 11.05.2018

M/s Soma Punjab Warehousing Private Limited Appellant

versus

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present: Mr. Manjeet Singh, Advocate,
 for the appellant.

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RAJESH BINDAL, J.

Order passed by the learned Single Judge dismissing the writ petition has been impugned by filing the present intra-court appeal. The issue raised in the writ petition was regarding demand of ₹ 1.2 crores on account of re-alignment of the power lines. The case set up by the appellant was that it had been granted permission to construct godowns by the Punjab Warehousing Corporation. Subsequently, notice was issued by Punjab State Transmission Corporation Limited that the power lines are to be routed through that area. To this objection was raised by the appellant stating that it already had permission to construct the godowns. However, letter dated April 30, 2013 of the Corporation clearly notices that representative

of the Company had admitted that they were ready to pay for shifting of the transmission lines and requested for taking further action. Subsequent thereto, even a sum of ₹ 30,000/- was deposited by the appellant with the Corporation as processing fee for calculation of the amount for re-routing of lines vide DD No.977917 dated 02.05.2013. It was after calculation of the amount that notice was issued to the appellant by the Corporation on 31.03.2014 for deposit thereof but the appellant disputed the same.

On the undertaking by the representative of the appellant that the power lines may be re-aligned at the cost of the appellant that the Corporation decided to re-align the same. The appellant cannot now be permitted to turn back and state that the statement was made unauthorizedly and they are not liable to pay the cost.

There is no merit in the present appeal and the same is dismissed. Consequently, the application for condonation of delay in filing of the appeal is also dismissed.

(Rajesh Bindal)
Judge

(Deepak Sibal)
Judge

May 11, 2018

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Whether speaking/reasoned	Yes
Whether reportable	Yes/No