

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

LPA No.2380 of 2017 (O&M) in
Civil Writ Petition No.17698 of 2012
Date of Decision: August 08, 2018

Punjab State Power Corporation Ltd.

...Appellant

Versus

M/s Guru Nanak Agro Products Ltd., Guruharsahai, District Ferozepur &
another

...Respondents

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

Present: Ms. Ritam Aggarwal, Advocate,
for the appellant.

AMIT RAWAL, J.

Punjab State Power Corporation Ltd. (hereinafter called PSPCL) has preferred the present intra-court appeal against the order dated 02.08.2017 of learned Single Bench, whereby the writ petition filed by the appellant- petitioner against the order dated 26.04.2012 of the Ombudsman, Electricity, Punjab, has been dismissed.

Ms. Ritam Aggarwal, learned counsel representing the appellant submitted that respondent No.1- M/s Guru Nanak Agro Products Ltd. was released LS category connection with sanctioned load of 139.919 KW with CD-124 KVA on 06.10.2010 from UPS Feeder, namely, Chak Nidhana. The estimate for release of connection sanctioned from the competent authority was for ₹ 2,68,772/-. Accordingly, a demand notice

bearing No.308 dated 03.06.2010 was issued. In pursuance thereof, respondent No.1, on 01.09.2010 and 24.09.2010 deposited a sum of ₹ 2,17,000/- and ₹ 51,772/- respectively. However, later on during the inspection of the sub-division, it transpired that the connection of respondent No.1 was not falling within UPS Feeder but was beyond 500 meters of the phirni (perimeter), therefore, normal connection charges were ₹ 5,11,600/-. Accordingly, a demand for balance amount of ₹ 2,42,828/- was raised. Demand was assailed by the consumer before the Zonal Dispute Settlement Committee, but the same was rejected. Appeal was preferred before the Forum for Redressal of Grievances of Consumers, which upheld the order of the Zonal Committee and ultimately, respondent No.1 approached Ombudsman, Electricity, Punjab. The Ombudsman noticing the conditions of Supply Code or Regulation, found that there was no provision therein, enabling the Electricity Board to revise the demand notice already issued and accepted the appeal of respondent No.1.

It was next contended that as per Clause 9.1.1 of the Electricity Supply Code, for connection beyond five hundred (500) meters, the demand would be treated as new connection, therefore, the Ombudsman had not noticed the provisions of Related Matters Regulation, 2007 and Clause 45.8 of the Sales Regulation.

We have heard the learned counsel for the appellant, appraised the paper book and are of the view that there is no force and merit in the submissions of the learned counsel for the appellant, for, during the course of the hearing, learned counsel made a statement that there is no change in the regulation. Regulation 6.1 of the Supply Code noticed by Ombudsman provided that the demand notice once issued cannot be altered or revised

except when necessitated by change in applicable laws. Concededly, during all this period, there was no change in the applicable laws before the authorities, Ombudsman and as well as this court.

For the reasons stated above, we find that the order of the learned Single Bench upholding the decision of the Ombudsman in striking down the demand of the Electricity Board by altering the condition of demand notice, does not call for any interference or fall within the realm of judicial review. No ground for interference is made out. Letters Patent Appeal is dismissed. Consequently, application for condonation of delay of 54 days in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

August 08, 2018
ramesh

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No