

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

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RSA No.3131 of 2018 (O&M)

Date of Decision : 25.07.2018

Markfed Vanaspati & Allied Industries

..... Appellant

Versus

The Chairman Punjab State Power Corporation
Limited, The Mall, Patiala and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Ms. Reeta Kohli, Senior Advocate with
Mr. Kirat Pal Dhaliwal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

As per the case set up by the appellant, the respondent had issued a notice in the year 2009 directing it to pay a surcharge for the period 2004-2007. The suit was filed in the year 2013. Both the Courts having dismissed the suit the appellant is before this Court.

Learned senior counsel appearing on behalf of the appellant has argued that the notice was patently illegal. However on a query as to how the suit was within limitation she has argued that immediately after the receipt of the notice the appellant had moved the Consumer Court and had withdrawn those proceedings given that forum lacked jurisdiction and

immediately thereafter the instant suit was filed. However, admittedly no application under Section 14 of the Limitation Act, 1963 was filed seeking permission to deduct the time spent in the Consumer Court. It is against this back ground that this Court has to determine the issue, regardless of the fact that the impugned notice was illegal or not. Once the appellant did not show any cause as envisaged under Section 14 of the Limitation Act, the suit was barred by limitation.

Consequently, no relief can be given to the appellant.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.07.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No