

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10894 of 2000

Date of Decision: 15.07.2019

Sachit Enterprises

... Petitioner

Versus

The Superintendent Engineer Operation,
P.S.E.B., City Circle, Ludhiana
and others

... Respondents

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

Present: Mr. Kuldip Sanwal, Advocate,
for the petitioner.

Mr. Sukhbir Singh Mattewal, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner-Company had two commercial electric connections on its factory premises. On its request, they were clubbed subjecting it to revised billing of large supply tariff cases from the date of application for clubbing. As far as tariff for large supply is concerned that is governed by the tariff rate. However, on January 11, 1996 the Flying Squad made a spot inspection of the factory premises of the petitioner and found that both the meters were running slow. The petitioner was not associated with the spot inspection. So it is not known what sort of equipment was used to gauge the meter speed. On May 23, 1996 the petitioner made a representation to the Superintendent Engineer DS, City Circle PSEB, Ludhiana for checking/testing of the meters account No.48/45 and account No.125/45 by the Chief Electrical Inspector, the dispute being pending before him, which relates to slow functioning of the meter. He requested

that meter be got checked and tested under supervision of the Chief Electrical Inspector to arrive at the truth of the dispute. The fact remains that meter was never got checked by the Metering Equipment Lab (ME Lab). The erstwhile Board (now PSPCL) does not dispute this position. In the absence of a reliable ME Lab test result implicit faith cannot be placed on the work of the Flying Squad at the time of spot inspection and that too done behind the back of the petitioner without explaining to them the process used for measuring the speed. The bill raised by the respondents is based on slow running. This, the petitioner disputes is highly inflated bill and highly exaggerated and which is not based on reliable evidence of slow running. Till this stage it was the Circle Level Dispute Settlement Committee that decided against the petitioner in its meeting held on August 22, 1996. The appeal to the Zonal Level Dispute Settlement Committee heard the petitioner on May 31, 2000 through counsel and passed the following order impugned in the petition:-

“Sh Swatantar Kalra and Sh. Kuldip Singh attended and were properly heard. The consumer connection was checked by Sr. Xen., Hoshiarpur on 11.01.1996 and reported that 2 no. connections under A/C No. 48/45 and 125/45 with Medium supply are running in the same premises. Both these meters need to be clubbed. Further both these meters were running slow 32.19% and 48.02%. The Circle Level dispute settlement committee in this meeting dated 22.08.1996 decided as below:-

- i) Lord surcharge in case of A/c no. 48/45 should not be levied on detected load on both these connections is within their sanctioned load.*
- ii) Bill should be revised on LS tariff from the date of application for clubbing.*

The committee discussed the case in detail and came to our conclusion to uphold the circle level DSC decision dated 22.08.1996.”

2. The checking of meter done by the Senior Executive Engineer, Hoshiarpur on January 11, 1996 and its results has been approved and the appeal has been turned down. The ground taken by the petitioner before the authorities regarding slow running of meter have not been considered or dealt with by recording reasons to hold against the petitioner when the two meters in dispute were sent to the ME Lab for testing without associating the petitioner with the process when it should have been. Since the orders are non-speaking and cryptic and do not disclose the reasons which have weighed in the mind of the Court except by blindly accepting the work of the authorities warrants interference to the extent that it is deemed fit that the matter should be remanded to the authorities under the new Act after following due procedure and affording an opportunity of hearing to the petitioner.

3. Accordingly, the petition is allowed and the impugned orders are set aside with liberty to the competent authority to pass a fresh order in accordance with law.

(RAJIV NARAIN RAINA)
JUDGE

15.07.2019
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Whether speaking/reasoned Yes

Whether reportable Yes/No