

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

**CWP-7027-2019 (O&M)
Date of Decision:14.03.2019**

Jhajjar–KT Transco Ltd.

... Petitioner

Versus

Haryana Vidyut Prasaran Nigam Limited & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Sumeet Goel, Advocate,
Mr. Arjun Shukla, Advocate and
Mr. Vijay Arora, Advocate for the petitioner.

Mr. Rajesh Sheoran, Advocate for respondent No.2.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, petitioner/Company entered into a Transmission Agreement dated 28.05.2010 (Annexure P-6) with the Haryana Vidyut Prasaran Nigam Limited and which carries a validity period of 25 years.

Challenge in the instant petition is to the memo dated 05.03.2019 (Annexure P-1) issued by the respondent/Nigam which is in the nature of a notice for deduction of Unitary Charge ostensibly under Clauses 21.3.2, 21.3.3 and 26.9 of the Transmission Agreement.

During the course of arguments, it transpires that not only has the petitioner/Company responded to the memo dated 05.03.2019 (Annexure P-1) but has even raised a challenge to the same before the Haryana Electricity Regulatory Commission (Panchkula), Haryana.

Learned senior counsel representing the petitioner/Company would submit that no hearing has been fixed in the petition that has been filed and on the other hand, the respondent/Nigam is bent upon enforcing the

impugned memo dated 05.03.2019 (Annexure P-1).

At this stage, Mr. Rajesh Sheoran, Advocate, who is present in Court enters appearance on behalf of the Haryana Electricity Regulatory Commission and informs the Court that the date in the petition filed by the petitioner/Company was earlier fixed as 01.04.2019 but subsequently on 13.03.2019, the date of hearing has been advanced to 26.03.2019 at 3:15 P.M.

In the considered view of this Court, since the matter already stands agitated by the petitioner/company before the Haryana Electricity Regulatory Commission, it ought to take a final view in the matter.

In view of the above, this Court refrains from examining the issue on merits.

Writ petition is disposed of with a direction to respondent No.2/Haryana Electricity Regulatory Commission to proceed further in the matter and to take a final decision thereupon within a period of four months from today.

Learned senior counsel has further adverted to Annexure P-11 which is an application seeking interim directions in the petition before the Commission.

To ensure that no serious prejudice is caused to the petitioner/Company and the impugned memo dated 05.03.2019 (Annexure P-1) is not put into operation even before the application for stay is decided, it is further directed that the respondent No.2/Commission would also decide the application seeking interim directions at Annexure P-11 within a period of 3 weeks from today. Till such time, the memo dated 05.03.2019 (Annexure P-1) issued by respondent No.1/Nigam would be held in abeyance.

Petition is disposed of.

It is clarified that this Court has not examined the issue on merits.

All contentions and submissions on either side are kept open before the Commission.

A copy of this order be furnished to counsel for the parties under the signatures of the Bench Secretary.

14.03.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |