

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

LPA No. 1233 of 2019 (O&M)

Date of Decision: 18.07.2019

M/s A.H.Exports

.....Appellant

versus

Punjab State Power Corporation Ltd. and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Manu K.Bhandari, Advocate, for the appellant.
Ms. Monica Chibber Sharma, Sr. Deputy Advocate General,
Punjab.

KRISHNA MURARI, CHIEF JUSTICE (oral)

Ms. Monica Chibber Sharma, learned Senior Deputy Advocate General, Punjab on the basis of the instructions from Mr. Rajwinder Singh, Deputy Chief Engineer, Punjab State Power Corporation Limited, West Circle, Ludhiana, Punjab, states that it is the Deputy Chief Engineer under the Supply Code who is competent authority to pass the assessment order under section 126 of the Electricity Act, 2003.

Admittedly, in the case in hand, the assessment order has been passed by the Assistant Executive Engineer. Since he is not the authority authorized to pass the order, the order impugned is rendered patently illegal and without jurisdiction. Therefore, without entering into any other aspect of the matter, the said order dated 01.04.2019 passed by the Assistant Executive Engineer is not sustainable and is liable to be quashed on this ground alone.

Accordingly the appeal stands allowed and the impugned order passed by the learned Single Judge as well as the order dated 01.04.2019 (Annexure P-7) passed by the Assistant Executive Engineer are set aside. Civil Miscellaneous Application No. 2675-LPA of 2019 also stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.07.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√