

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

CWP-13328-2015

Date of Decision:18.11.2019

M/s Jai Ambay Industries

....petitioner

Versus

The Punjab State Power Corporation Limited and others ...respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Prateek Gupta, Advocate
for the petitioner

Mr.Vinod S.Bhardwaj, Advocate
for the respondents-PSPCL

RAJIV NARAIN RAINA, J. (ORAL):

Prayer in this petition is for issuance of a writ in the nature of certiorari for quashing the Bill-cum-Assessment order dated 04.04.2013 (P2) issued by respondent No.4 and the order dated 10.05.2013 (P7) passed by respondent No.2 whereby objections of the petitioner thereto have been rejected.

The order of Commissioner, Patiala Division, has been impugned in this petition in a matter relating to proceedings under Section 135 of the Indian Electricity Act, 2003 (for short, 'the Act'). The Commissioner has dismissed the appeal for want of maintainability as the remedy available to the petitioner was before the Special Court at Sangrur. That is the correct legal position since the Special Court can go into both civil and criminal liability. If an alternative remedy is available to the petitioner, this Court would relegate the petitioner to

avail his remedy before the Special Court constituted under Section 153 of the Act.

Without expressing any opinion on the merits of the case, the petitioner is relegated to his remedy before the Special Court. It may be noticed that there has been a police investigation in this case where three persons have been named accused. The challans were put up before the Special Court and the proceedings are pending. Accordingly, the Special Court, Sangrur, will club this matter with the criminal case and decide upon the civil liability as well.

Before the Commissioner, for entertainment of appeal, the petitioner had deposited 50% of the assessed liability. I have no doubt that the Special Court, Sangrur, will pay due regard to that payment and proceed with the case. The parties to appear before the Special Court, Sangrur, constituted under the Act on the date already fixed.

With the observations, the petition stands disposed of.

18.11.2019*neenu***(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No