

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

CWP-21531-2015

Date of Decision: August 14, 2019

Punjab State Power Corporation Ltd.

.. Petitioner

vs.

**Appellate Authority-Cum-Sub Divisional Magistrate and Anr ..
Respondents**

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None.

ARUN MONGA, J.

1. Petitioner seeks quashing of appellate order dated 27.11.2014/05.12.2014 (Annexure P-13) cancelling the notice of demand dated 07.07.2011 (Annexure P-2) for a sum of Rs.4,03,971/- and directing that the amount of that demand, paid by consumer/respondent No.2, be adjusted in her future bills.

2. I have gone through the pleadings and have perused the appellate order. Having considered the same, I find that no case is made out for interference with the impugned order.

3. Respondent No.2 had initially filed a complaint before the District Consumer Disputes Redressal Forum. The same was dismissed vide order dated 10.07.2013 (Annexure P-5) with liberty to approach the competent court of law/forum for redressal of grievance.

4. It is stated in the petition that on her request letter dated 26.08.2013 for review, respondent No. 2 was afforded an opportunity of personal hearing on 17.09.2013. After which an order dated 17.09.2013

(Annexure P-8) was issued conveying that charges imposed on her were justified. Thereafter, letter dated 04.10.2013 (Annexure P-9) was issued requiring her to deposit the remaining amount of demand, which she deposited on 01.11.2013.

5. Subsequently, an appeal dated 04.03.2014 (Annexure P-10) filed by respondent No. 2. It has been averred therein that appellant had earlier filed CWP No. 27465 of 2013 before this Court which was dismissed as withdrawn on 14.01.2014 with liberty to seek alternative remedy in accordance with law. Copy of the High Court order was applied on 15.01.2014, the same was prepared on 11.02.2014 and after deducting the days sent for preparation of the copy, the appeal dated 04.03.2014 (Annexure P-10) was within time. The writ petition (CWP No. 27465 of 2013) seems to have been filed some time after 04.10.2013, i.e. the date of deposit of the amount of remaining demand by the petitioner.

6. From these facts and circumstances, it can be reasonably inferred that till the filing of the appeal before respondent No. 2, throughout respondent No. 2 had been pursuing her remedy before the concerned authorities of the petitioner, the District Consumer Disputes Redressal Forum and then by way of her writ petition before this Court.

7. In such situation, no fault can be found with the action of respondent No. 2 in entertaining the appeal of respondent No. 2 after the prescribed period of 30 days. The same appears to be just , fair, reasonable and not prohibited by law as the reasons of delay have been duly explained.

8. On merits, the appellate authority while passing the impugned order, gave following reasons for accepting the appeal:

“After perusing appeal of appellant and reply of respondent, case file and the documents attached by

appellant along with her appeal were inspected. From which it is proved that the appellant did not steal electricity, because the 20 meters cable seized by enquiry officer at the time of enquiry on dated 07.07.2011 has not been produced in this court and the videography allegedly done by checking authority at the spot is also not produced in this court. Likewise, this cable seems to have been connected with transformer by owners of fields adjoining the petrol pump with their motors to irrigate their fields. Apart from this the respondent did not produce such evidence/witness, which was present at the spot at the time of checking. At the time of checking, appellant herself or any designated person was not present at the spot. Likewise, it is proved that this case is wrong. After accepting appeal of appellant the concerned notice is being cancelled. The penalty amount deposited by appellant will not be returned to her, instead, the same shall be adjusted in her future bills.”

09. The aforesaid reasoning recorded by the appellate authority is consistent with the record before it and also seems sound and reasonable. In any case, the same cannot be said to be perverse from any angle.

10. As a result, I find no case is made out for interference with the impugned order in exercise of the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.

11. The petition is, therefore, dismissed.

12. No order as to costs.

August 14, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No