

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

208

**CM No.14-CWP of 2016 in/and
RA-CW No.1 of 2016 in
CWP No.8722 of 2000**

M/s Kabir Woollen Mills, Ludhiana
Vs.
Punjab State Electricity Board, Patiala and others

Present: Mr. Paramjit Singh Thiara, Advocate
for the applicants-respondents.

CM No.14-CWP of 2016

Despite service through publication, none has put in appearance on behalf of the non-applicant-petitioner as was recorded in the order dated 25.10.2018 while adjourning the case for further consideration for today.

Today also, none has put in appearance on behalf of the non-applicant-petitioner.

Prayer in this application is for condonation of delay of 79 days in filing the Review Application.

Having considered the reasons mentioned in the application, which is duly supported by the affidavit of Additional Superintending Engineer, C.M.C. Division Special, Punjab State Power Corporation Limited, Ludhiana, the present application is allowed.

Delay of 79 days in filing the Review Application is hereby condoned.

RA-CW No.1 of 2016

Prayer in this Review Application is for review of the order dated 05.08.2015 passed by this Court in the writ petition, which was preferred by M/s Kabir Woollen Mills, Ludhiana, challenging the order dated 16.05.2000 (Annexure P-18) passed by the Appellate Authority under

the Indian Electricity Regulations. After the passing of the impugned order in the year 2000 as referred to above and during the pendency of the writ petition, Electricity Act, 2003, has come into force repealing the earlier Act, under which the Appellate Authority was performing its statutory functions. With the coming into force of the Electricity Act, 2003, the provision with regard to there being Dispute Settlement Authority before the Board Level Review Committee, does not exist. For such cases as the present one, the remedy has been provided under Section 153 of the Electricity Act, 2003, vide which Special Courts have to be constituted, which have been so done and, therefore, the dispute requires to be referred to the Special Court so constituted and not to the Board Level Review Committee.

Counsel for the applicants-respondents states that the applicants-respondents are not disputing the decision of the Court with regard to the reasoning assigned therein but is unable to comply with the order as the Board Level Review Committee does not exist now with the coming into force of the Electricity Act, 2003. He, therefore, prays that the matter may be referred to the Special Court, Ludhiana.

Having considered the submissions made by learned counsel for the applicants-respondents and keeping in view the fact that the Electricity Act, 2003, had come into force during the pendency of the writ petition, which aspect was not brought to the notice of the Court leading to the passing of the order dated 05.08.2015, whereby while setting aside the order dated 16.05.2000 (Annexure P-18) passed by the Appellate Authority under the Indian Electricity Regulations, remanded the

matter back to the Board Level Reviewing Committee, which now does not exist as per the new Act, the matter is referred to the Special Court, Ludhiana, constituted under Section 153 of the Electricity Act, 2003, for fresh decision in accordance with law.

Let the applicants-respondents place the matter before the Special Court, Ludhiana, along with records on **02.04.2019**.

The Review Application stands allowed in above terms.

February 21st, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE