

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

CWP-2857-2020 (O&M)

Date of Decision: February 12, 2020

NIRMAL SINGH

..... Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LTD AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Nitin Mittoo, Advocate for the petitioner.

Mr. Sehajbir Singh, Advocate for the respondent-PSPCL.

LISA GILL, J.(Oral)

This writ petition has been filed seeking quashing of order/demand notice dated 05.09.2017 (Annexure P-2) as well as letter/notice dated 24.01.2020 (Annexure P-6), issued to the petitioner by respondent no.4, wherein the petitioner has been directed to deposit a sum of Rs.2,61,228/- towards the electric tubewell connection in the petitioner's fields within 7 days, failing which the dues would be adjusted qua the electric connection at his residence and in case of non-deposit, there would be disconnection of the supply at the residence.

It is pleaded that on the basis of a complaint, the petitioner's fields were inspected and a demand notice Annexure P-2 was issued. It is argued that the petitioner has been asked to deposit the amount in question without a final order of assessment by the authorities and furthermore it is not open to the authorities to disconnect the domestic electricity connection to the petitioner's residence, which in any case, is situated at separate premises.

Learned counsel for the respondent-PSPCL was asked to seek instructions. Mr. Sehajbir Singh, Advocate submits that in this case objections filed by the petitioner, pursuant to Annexure P-2, were considered and a final order of assessment was passed on 11.10.2017. A copy thereof furnished in Court today, is taken on record, subject to just exceptions. The said order, it is submitted, is an appealable order and has not been placed on record by the petitioner.

Learned counsel for the petitioner, however, submits that the said order was not conveyed to him, which is, however, denied by learned counsel for the respondent.

Learned counsel for the respondents has fairly stated that in so far as the memo dated 24.01.2020 (Annexure P-6) is concerned, it is not open to the authorities to direct adjustment of the electricity dues qua the electricity connection installed at the petitioner's residence and neither can the same be disconnected.

In view of the fact that order dated 11.10.2017 is an appealable order, the petitioner is relegated to his remedy as available under the statute. In case, an appeal is filed within one week from receipt of certified copy of this order, the application for condonation of delay be considered sympathetically. Keeping in view the facts and circumstances of the case, including the stand of the respondents, order/memo dated 24.01.2020 (Annexure P-6) is quashed to the extent of adjustment of the dues qua the electricity connection at the petitioner's residence.

Writ petition is disposed of in the above said terms.

12.02.2020

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No