

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 6444 of 2020
Date of Decision:16.03.2020

M/s Shakti Industries

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.S.Negi, Advocate
for the petitioner.

Mr.H.S.Sitta, AAG., Punjab.

LISA GILL, J(Oral).

Petitioner is aggrieved of the action of the respondent-Corporation, raising a demand of ₹9,62,365/- in terms of memo dated 20.12.2018 (Annexure P-6), without even as much as service of a notice upon him.

It is submitted that this led to denial of an opportunity to the petitioner to file his objections as per the provisions of applicable rules. The petitioner, it is further submitted came to know of this demand when the amount was added as sundry charges in its bill dated 04.06.2019. The petitioner immediately filed an appeal (Annexure P-4), which was however dismissed by the learned Appellate Authority as per communication dated 27.01.2020 (Annexure P-5), on the ground that the appeal is time barred.

Aggrieved therefrom, this writ petition has been filed.

Learned counsel for the respondent-PSPCL, was asked to seek instructions in this regard and especially as to whether the petitioner was even served of the provisional assessment as mentioned in memo dated 20.12.2018.

Learned counsel for the respondent-PSPCL, on instructions from Sh. Lakhwinder Pal Singh, UDC, Focal Point, Ludhiana, is unable to deny that there is no record worth its name with the department to indicate that order of provisional assessment was ever served upon the petitioner. It is sought to be urged that memo dated 20.12.2018 was served by hand but there is no record to indicate its receipt by any authorised person/employee of the petitioner. It is further not denied that the petitioner has deposited 50% of the disputed amount as per regulation 36.3.2, of the Supply Code, 2014.

In this view of the matter, dismissal of the petitioner's appeal by a cryptic one line intimation on the ground of it being time barred, is clearly unjustified. Memo/order dated 27.01.2020, Annexure P-5, is thus set aside. The matter, is accordingly remanded to the learned Appellate Authority, to consider the matter afresh and pass a speaking order in accordance with law.

Writ petition is accordingly, disposed of.

16.03.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.