

CWP No.10360 of 2020

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

**CWP No.10360 of 2020
Date of decision:21.07.2020**

Indian Oil Corporation Limited ... Petitioner

Vs.

Uttar Hayana Bijli Vitran Nigam Limited ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Varun, Advocate for
Mr. Prateek Rathee, Advocate
for the petitioner.

SUVIR SEHGAL J.

This matter has been taken up for hearing through video conferencing due to Covid-19 pandemic.

The present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing the first demand notice dated 09.09.2019 (Annexure P-11), second demand notice dated 19.09.2019 (Annexure P-16) and third demand notice dated 29.01.2020 (Annexure P-39) as they are illegal. The petitioner has further sought a writ in the nature of mandamus for declaring that the unilateral and arbitrary deduction of sum totaling Rs.5,16,06,403/- from the Open Access refund amount of Rs.5,28,32,722/- in the purported electricity bill of October, 2019 is arbitrary, illegal and in violation of the Electricity Act, 2003, Open Access Scheme and the Regulations of 2005 as well as various notifications and

circulars issued by the Haryana Electricity Regulatory Commission. Still further a writ in the nature of mandamus has been sought directing the respondent to pay an amount of Rs.5,59,15,009/- towards the illegally recovered/adjusted amount by the respondent, inclusive of interest upto May 2020.

At the outset, counsel for the petitioner has submitted that the petitioner has already approached the respondent and submitted a comprehensive representation dated 18.10.2019 (Annexure P-29) questioning the demand notices, however, the said representation has not been considered and no response has been received thereto.

Counsel submits that he will be satisfied, if a direction is issued to the respondent to decide the representation by passing an appropriate speaking order after hearing the petitioner and permitting him to make additional submissions.

I have considered the request made by the counsel for the petitioner and deem it appropriate that before the issues raised by the petitioner in the writ petition are considered by this Court, the respondent is called upon to examine the representation submitted by the petitioner.

Without going into the claim of the petitioner and without considering the same on merits, the writ petition is disposed of with a direction to the respondent to afford an opportunity of a hearing to the petitioner and pass a speaking order on the representation dated 18.10.2019 (Annexure P-29) submitted by him within a period of four months from the date of receipt of certified copy of this order. It will be open to the petitioner

to make any additional submissions and submit any supplementary documents in support of his claim in the representation.

(SUVIR SEHGAL)
JUDGE

July 21, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No