

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

**CWP No.11265 of 2020
Date of decision: 05.08.2020**

Janta Land Promoters Private Limited

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ranjit Singh Kalra, Advocate,
for the petitioner.

RITU BAHRI J. (Oral)

Petitioner is seeking quashing of the order dated 25.06.2020 (Annexure P-12) passed by the Appellate Authority-cum-Senior Executive Engineer, P.S.T.C.L.

At the time of filing aforesaid appeal, the petitioner had deposited 50% of the penalty as assessed vide order dated 10.02.2020 (Annexure P-5) and final order of assessment dated 18.02.2020 (Annexure P-6). Precise grievance of the petitioner is that its appeal (Annexure P-12) has been dismissed on the ground that it was filed beyond the period of limitation of 30 days after passing of the order dated 18.02.2020 (Annexure P-6).

Notice of motion.

At this stage, Mr. Sehajbir Singh, Advocate, accepts notice on behalf of respondent Nos. 1 and 2 and on instructions from Mr. Paramjeet Singh, Assistant Executive Engineer, Commercial Sub Division-I, Mohali,

Electricity Act, 2003. He further informs that now the Appellate Authority has been designated as the Senior Executive Engineer and the SDM is no longer the Appellate Authority.

Learned counsel for the petitioner is not disputing this fact.

Keeping in view that appeal of the petitioner has been dismissed primarily on the ground of delay, impugned order dated 25.06.2020 (Annexure P-12) is set aside and the matter is remanded to the concerned Appellate Authority i.e. Senior Executive Engineer to pass a final order on merits after hearing both the parties. This exercise be completed within a period of four weeks from the date of receipt of certified copy of this order. It is clarified that 50% amount deposited pursuant to the orders dated 10.02.2020 and 18.02.2020(Annexures P-5 and P-6) are already with the Appellate Authority and payment of remaining amount shall remain stayed till final decision of the matter, on merits.

Allowed in the above terms.

(RITU BAHRI)
JUDGE

05.08.2020
ajp

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