

CWP-13795-2021

Date of decision : July 28, 2021

Gurinderpal Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mani Pal Singh Atwal, Advocate for the petitioner.

Mr. Sehajbir Singh, Advocate for PSPCL.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ petition is for setting aside of order dated 19.02.2021 whereby petitioner's appeal under Section 127 of the Electricity Act against final order of assessment dated 14.01.2021 has been dismissed on the ground of delay of few days. Setting aside of order dated 14.01.2021 is also sought.

Learned counsel for the respondents is unable to deny that petitioner's appeal has indeed been dismissed solely on the ground of delay of less than a week by the appellate authority. It is asserted by learned counsel for the petitioner that apart from the fact that there is a reasonable explanation for delay, the same was only of two days but was taken to be six days by the appellate authority.

Be that as it may, it is considered just and expedient to set aside impugned order dated 19.02.2021 passed by the learned appellate Authority and remand the matter to the said authority, to decide afresh on merits rather than to non-suit the petitioner on technical ground of delay of few days. Apart from various orders passed by the Hon'ble Supreme Court in *Suo Moto W.P. (Civil)*

No.3 of 2020 due to the unprecedented situation created by outbreak of pandemic COVID-19, it is a settled position that an effort should be made to decide the controversy on merits rather than dismiss the same on technical ground of delay, when a sound, reasonable and sufficient explanation for the same is afforded. Reference in this respect can gainfully be made to the judgment of the Hon'ble Supreme Court in **State of Nagaland versus Lipol AO and others 2005 (3) SCC 752**. In the present case, delay is admittedly of few days, for which reasonable and sufficient explanation is available on record.

Order dated 19.02.2021 is accordingly set aside. Appellate authority is directed to decide the matter afresh on merits expeditiously in accordance with law.

Writ petition is, accordingly, disposed of.

July 28, 2021
rts

(Lisa Gill)
Judge

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