

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

204

**CWP-16382-2020(O&M)
Date of Order:22.01.2021**

FUN PLAZA MULTIPLEX AND ANOTHER ..Petitioners

Versus

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Garg, Advocate,
for the petitioners.

Ms. Anu Chatrath, Sr. Advocate with
Mr. Nishant Maini, Advocate
for the respondent-PSPCL

ANIL KSHETARPAL, J(Oral)

The petitioners are running two multiplex/cineplex at Kot Kapura and Zira. They pray for issuance of a writ in the nature of mandamus directing the respondents to charge electricity charges on the basis of actual consumption of electricity with effect from 15.03.2020 to till date.

The petitioners rely upon a communication dated 07.04.2020 granting relief to medium supply and large supply industrial consumers who were granted exemption for a period of 2 months from 23.03.2020 from payment of fixed charges.

Admittedly, the petitioners are not covered by the medium supply and large supply industrial consumers. The petitioners are consumers of electricity in the commercial premises which is a separate category.

Still further, the respondents have filed an affidavit explaining the pattern in which the electricity dues are being charged. A relevant portion of the affidavit is extracted as under:-

“5. That the outset, it is relevant to submit that petitioner No.1 has concealed the actual/correct position from this Hon'ble High Court. Further, the Petitioner No.1 has been irregular in making the electricity bill payments.

For the kind perusal of the Hon'ble Court, a detailed chart with regard to actual consumption, previous year consumption, current charges, unpaid arrears, total outstanding amount, current year maximum demand and previous year maximum demand is reproduced as under:-

<i>Period</i>	<i>Current year actual consumption units in KVAH</i>	<i>Previous year actual consumption units in KVAH</i>	<i>Current charges of the relevant month in Rs.</i>	<i>Unpaid arrears/outstanding amount of the previous month/bill in Rs.</i>	<i>Total outstanding amount of current bill (including interest surcharge, rebates etc) in Rs.</i>	<i>Current year maximum demand (KVA)</i>	<i>Previous year maximum demand (KVA)</i>
	A	B	C	D	E	F	G
22.12.19 to 21.01.20	16975	17832	1,62,135/-	4,60,868/-	6,23,003/-	41.95	45
20.01.20 to 21.02.20	16558	16256	1,59,213/-	3,36,922/-	4,96,136/-	64.66	67
22.02.20 to 21.03.20	16600	22004	1,56,855/-	6,961/-	1,63,816/-	79.118	115
22.03.20 to 21.04.20	7912	(consumption carried forward in next month)	92,270/-	1,53,860/-	2,49,830/-	18.596	(consumption carried forward in next month)
22.04.20 to 21.05.20	6734	102548 (including previous month)	82,686/-	2,59,767/-	3,42,450/-	18.188	156
22.05.20 to 21.06.20	4372	40574	68,988/-	3,51,278/-	4,20,266/-	14.878	186
22.06.20 to 21.07.20	4957	5864	74,135/-	4,28,241/-	5,02,380/-	14.563	176
22.07.20 to 21.08.20	6077	53743	84,589/-	3,10,126/-	3,94,715/-	16.228	180

6. That as detailed in the chart hereinabove, the petitioner No.1 has been irregular in making the electricity bill payment even before the lockdown due to COVID-19. Further, as per the chart, the petitioner No.1 has consumed electricity which is very evident from current year maximum demand (F) and

current year actual consumption (A) and he has been charged only on the basis of actual consumption.”

The petitioners have failed to draw attention of the court to a legal right and a corresponding legal duty to direct the respondents to charge only on the basis of actual consumption.

Hence, no ground to issue a writ as prayed for.

Dismissed.

January 22, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No