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

Date of Decision: 12.05.2022

1. CWP No.463 of 2021(O&M)

M/s AGI Infra Limited

-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

2. CWP No.465 of 2021(O&M)

M/s AGI Infra Limited

-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

3. CWP No.482 of 2021(O&M)

M/s AGI Infra Limited

-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

4. CWP No.483 of 2021(O&M)

M/s AGI Infra Limited

-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

5. CWP No.484 of 2021(O&M)

M/s AGI Infra Limited

CWP Nos.463, 465, 482, 483, 484, 485 and 491 of 2021 (O&M)

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-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

6. CWP No.485 of 2021(O&M)

M/s AGI Infra Limited

-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

7. CWP No.491 of 2021(O&M)

M/s AGI Infra Limited

-Petitioner

Versus

Punjab State Power Corporation Ltd. and and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. T.K. Joshi, Advocate and
Mr. Ram Pal Kohle, Advocate
for the petitioner.

Mr. Alok Mittal, Advocate
for PSPCL.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CWP Nos.463, 465, 482, 483, 484, 485 and 491 of 2021 titled M/s AGI Infra Ltd. Vs. Punjab State of Power Corporation Ltd. And another are being disposed of. Facts are being taken from CWP No.463 of 2021.

Petitioner has assailed the provisional order of

assessment memo No.809 dated 27.01.2020 (Annexure P3) issued by respondent No.2, whereby provisional assessment under Section 126 of the Electricity Act, 2003 has been made against the petitioner on the premise that the petitioner had taken the electricity connection for running the common services like lifts etc. under Domestic Supply Category though it falls under Non Residential Category, carrying higher tariff rate. On the basis of aforesaid, it has been found to be the case of unauthorized use of electricity as per Section 126 of the Electricity Act, 2003. Petitioner has been asked to pay an amount of Rs.50,937/- for unauthorized use of electricity under Section 126 of the Electricity Act, 2003. Petitioner has also assailed the final assessment order memo No.500 dated 10.08.2000 issued by respondent No.2 and the order dated 20.10.2020 passed by the Appellate Authority-cum-Sr. Xen. P&M Division, 220 KV Sub Station, Punjab State Transmission Corporation, Jamsheer, Jalandhar under Section 127 of the Electricity Act, 2003.

Notice of motion was issued in the bunch of seven cases on the premise that perusal of the Appellate order would show that no reasons have come forth while conforming the final assessment order passed under Section 126 of the Electricity Act. The statutory Appellate Authority has to record

reasons for its findings one way or the other. It has been observed that the impugned orders passed by the Appellate Authority in all the cases, do not conform to the requirement of law.

On 06.04.2021, learned counsel for the respondents sought time to have further instructions as to whether the present cases should be remanded to the Appellate Authority or not.

Today, learned counsel for the respondents seeks to defend the impugned order(s).

After hearing learned counsel for the parties, I am of the view that the impugned order passed by the Appellate Authority does not conform the test of reasonings. Impugned order is totally non-speaking as the Appellate Authority has decided the case solely on the observations that the case of the respondents has been found to be meritorious and unauthorized use of electricity has been rightly invoked.

In view of aforesaid facts on record, I deem it appropriate to set aside the impugned order dated 20.10.2020 passed by the Appellate Authority. The present writ petition is accordingly allowed. The matter is remanded back to the Appellate Authority to pass afresh order in accordance with law. Needless to say that the Appellate Authority shall peruse the

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relevant record and after perusal of the same, would pass a speaking order in accordance with law, preferably within a period of two months from the date of receipt of certified copy of this order.

12.05.2022

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(RAJ MOHAN SINGH)
JUDGE

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