

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

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**CWP NO.24479 OF 2021
DATE OF DECISION:06.12.2022**

Punjabi University Patiala

.....Petitioner

Vs.

Punjab State Power Corporation Ltd. and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Paramjit Singh Hundal, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG Punjab.

Mr. A.S. Chadha, Advocate
for respondents No.1 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India raising a challenge to the provisional/Final Order of Assessment dated 20.09.2016 (P-3), order/letter dated 06.01.2017 (P-6) passed by respondent No.4 as well as the order dated 11.08.2020 (P-8) passed by respondent No.5.

Counsel for the petitioner has pointed out that the petitioner had preferred a statutory appeal before the Divisional Commissioner, Patiala Division, Patiala, bearing case No.PSEB-06/2017 which has been dismissed primarily on two accounts i.e. for non appearance of the appellant and also on the ground of limitation. He contends that the aforesaid order has been summarily passed in a mechanical manner for non appearance on behalf of the petitioner even though the name of the counsel for the petitioner is duly reflected in the aforesaid order.

Learned counsel appearing on behalf of respondents No.1 to 4 does not dispute the said fact and fairly submits that there is an inadvertent reflection of the correct status in the impugned order passed by the Divisional Commissioner, Patiala Division, Patiala on 11.08.2020. He submits that he would have no objection in case the impugned appellate order dated 11.08.2020 is set aside and the matter is remanded to the Divisional Commissioner, Patiala Division, Patiala-Appellate Authority to decide the appeal afresh after affording an opportunity of hearing to the respective parties and keeping all issues open.

The aforesaid offer is not objected to by the counsel for the petitioner.

Accordingly, without opining on the merits of the present case and with the consent of the parties, the appellate order dated 11.08.2022 passed by the Divisional Commissioner, Patiala Division, Patiala is set aside. The matter is remanded to the appellant authority to pass a fresh order after affording opportunity of hearing to the respective parties, who shall be at liberty to raise all issues. The parties shall appear before the appellate authority on 23.12.2022 whereafter the appellate authority may take such further steps as required.

Petition is accordingly allowed in terms of aforesaid.

06.12.2022
NainaRajput

[VINOD S. BHARDWAJ]
JUDGE

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