

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

323

CWP-18702-1997 (O&M).
Date of Decision: 11.08.2023.

Kirpal Alloys Private Limited, Kaddon Road, Doraha.

...Petitioner

Versus

Punjab State Electricity Board and others

...Respondents

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

Present: Mr. Aryaman Thakur, Advocate, for
Mr. Amit Jain, Advocate, for the petitioner.

Mr. Sukhbir Singh, Advocate,
for the respondents/PSEB.

VINOD S. BHARDWAJ. J (ORAL)

Challenge in the present petition is to the order dated 17.04.1997 passed by the Dispute Settlement Committee whereby the peak load charges levied against the petitioner have been upheld by a non-speaking order.

Learned counsel for the petitioner contends that the respondents had demanded peak load charges in violation of the statutory provisions notwithstanding the actual consumption of the petitioner against which such demand a civil suit had been filed by the

petitioner. During the pendency of the said civil suit, a settlement was arrived at between the parties pursuant where to the petitioner had withdrawn the civil suit so as to prefer an application before the Disputes Settlement Committee. However, vide impugned communication pertaining to the minutes of the meeting of the Disputes Settlement Committee held on 17.04.1997, the demand had been affirmed without giving any reasons and without dealing with the objections raised by the petitioner.

I have heard the learned counsel appearing for the respective parties and have also gone through the documents appended along with the present petition.

The impugned order has been perused and the same reads as under:-

- i) *“M/s Kirpal Alloys Pvt. Ltd. Doraha A/C No.LS-7 – Refund of Rs.1,78,500/- deposited under protest (deferred case of 17.12.1996 meeting).
The decision taken by the Zonal Level Committee to charge the consumer an amount of Rs.1,78,500/- on account of peak load restrictions violation was upheld. No further relief was considered feasible.”*

A bare perusal of the order fails to show that the order is either reasoned or a speaking order.

Strenuous efforts were made by the respondents to defend the said order, however, learned counsel for the respondents failed to

refer to any reasons or consideration which may be reflected on perusal of the said order.

Taking into consideration that the order does not fall within the understanding of a speaking order, the present writ petition is allowed. The impugned decision dated 17.04.1997 is set aside. The parties are relegated to the remedy before the Consumer Grievances Redressal Forum as constituted under Section 42 (5) of the Electricity Act, 2005 which is now competent to examine the issue. The parties shall appear before the Consumer Grievances Redressal Forum on 18.09.2023 whereupon appropriate proceedings in accordance with law shall be undertaken.

August 11, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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