

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

RA-LP-4-2023 (O&M) in
LPA-1171-2015
Decided on : 15.03.2023

PUNJAB STATE POWER CORPORATION LTD

.....Non-Applicant/Appellant (s)

Versus

SHAM LABHAYA AND ORS

.....Review Applicant/Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN

Present: Mr. D.S. Gurna, Advocate, for the review applicant/respondents.

G.S. Sandhawalia, J. (Oral)

CM-704-LPA-2023

Application for condonation of delay of 53 days in filing the review application is allowed, in view of the averments made in the application, duly supported by the affidavit. Delay of days 53 in filing the appeal is condoned.

CM stands disposed of.

RA-LP-4-2023

Application for review of the order dated 22.11.2022 has been preferred.

Notice in the application.

Mr. Abhishek Singla, Advocate accepts notice on behalf of

Mr. Vikas Chatrath, Advocate for non-applicant/appellant.

The only grouse of the review applicant/respondents is that liberty was given to recover the amount to the corporation by way of easy installments, keeping in view the fact that a condition had been fixed that if the appeals are allowed by the Apex Court, the Corporation shall be at liberty to recover the excess amount.

It is now pointed out that in similar circumstances in **Miscellaneous Application Nos.487-490 in Civil Appeal Nos.195-198 of 2019 ‘Punjab State Power Corporation Ltd. through its Chief Auditor Vs. Rajesh Kumar Jindal’**, the Apex Court in the order dated 22.03.2022 has held there should be no recovery of any excess amount paid to the applicants and other similarly circumstanced pursuant to orders of the High Court or any interim order of this Court.

Counsel for the appellant also submits that he has instructions that no recovery will be made from the review applicants/respondents.

Accordingly, keeping in view the above liberty given to the appellant-Corporation vide order under review is modified and the Corporation shall stand by its undertaking.

Review petition shall stands disposed of in the above said terms.

(G.S. SANDHAWALIA)
JUDGE

15.03.2023
Naveen

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No