

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

204**CWP-19527-2015 (O&M)****Date of Decision : 30.11.2023**

Pargat Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. and others

... Respondents

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

Present: Mr.Mukand Gupta, Advocate,
for the petitioner.

Ms. Promila Nain, Advocate
for the respondents.

VINOD S. BHARDWAJ J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 10.07.2015 (Annexure P-10), passed by respondent No.3, whereby the appeal preferred by the petitioner was dismissed by the Appellate Authority Sub Divisional Magistrate, against the order of provisional assessment.

2. Learned counsel appearing on behalf of the petitioner contends that there were two inspections conducted by the respondent-distribution licensee and that a communication of Provisional Assessment under Section 126 of Electricity Act, 2003 was issued to the petitioner. Even though, he deposited the amount under protest, however, the final order of assessment has not yet been passed.

3. Learned counsel for the respondent-PSPCL has made reference to Annexure R-10 which is a final order of assessment for unauthorized use of electricity.

The abovesaid order is stated to be in relation to the second

inspection conducted and not in reference to the inspection in dispute. There is no order of final assesement that has been passed by the respondents against the first checking report.

5. Counsel for the petitioner submits that he would be satisfied at this juncture, in case the respondent authorities are directed to pass a final order of assessment under Section 126 of the Electricity Act, 2003.

6. Learned counsel for the respondents has no objection to the same. Accordingly, without commenting on the merits of the present case, least cause prejudice to any of the rights of the parties, the present petition is disposed of with a direction to the respondents to pass a final order of assessment under Section 126 of the Electricity Act, 2003.

7. At this stage, learned counsel for the petitioner points out that while issuing notice of motion in the instant case on 16.09.2015, an interim order was passed, whereby remaining 50% of the amount was ordered to be stayed and the electricity connection was restored. He contends that he has already complied with the said order and has been regularly paying all running energy consumption charges.

8. The interim protection granted vide order dated 16.09.2015 shall remain operative till passing of the final order of assessment.

9. Present petition is accordingly disposed of in terms of aforesaid.

30.11.2023

Satyawan

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No