

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

278

CWP-19566-2022
Date of Decision: 17.07.2023

MANJIT KAUR AND ANR

....Petitioners

Versus

COMMISSIONER FEROZEPUR DIVISION FEROZEPUR AND
ORS

...Respondents

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

Present: None for the petitioners.

Mr. Karan, Advocate for
Mr. Abhimanyu Jangra, Advocate
for respondents No. 2 to 5.

Ms. Lavanya Paul, DAG, Punjab

VINOD S. BHARDWAJ, J.(Oral)

Challenge in the present writ petition is to the order dated
14.04.2019 (Annexure P-15) passed by the Divisional Commissioner,
Ferozepur Division as having been passed without jurisdiction and
hence void ab initio.

The case of the petitioner as reflected from the pleadings
is that there was an allegation of committing theft levelled by the
respondent-PSPCL. On the basis of a checking report, Memo No.
3023 dated 13.08.2008 was served upon the petitioner directing him to
pay an amount of Rs.1,39,098/- on account of theft of electricity. An
appeal under Section 127 of Electricity Act, 2003 was thereafter

preferred by the petitioner in the Court of SDM, Ferozepur, which was accepted vide order dated 27.04.2018.

Aggrieved of the same, the respondent-PSPCL preferred appeal No.MA-17 of 2018 before the Divisional Commissioner, Ferozepur Division, Ferozepur.

Learned counsel appearing on behalf of respondent-PSPCL concedes that the appeal was wrongly filed before the Divisional Commissioner and that he was not competent to hear such an appeal. Be that as may be, he has no objection to the setting aside of the impugned order dated 11.04.2019 passed in MA No. 17 of 2018 by the Commissioner, Ferozepur Division, Ferozepur and prays for liberty to take recourse to the statutory remedy of appeal before a competent authority.

In view of the aforesaid statement made on behalf of respondent-PSPCL and without commenting on the merits of the case, the present writ petition is allowed, the order dated 11.04.2019 passed in MA No. 17 of 2018 is set aside. However, liberty is granted to respondent-PSPCL to approach the competent authority in accordance with law against the order passed by the Sub Division Magistrate, Ferozepur, if so advised.

[VINOD S. BHARDWAJ]
JUDGE

July 17, 2023
rashmi

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no