

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18937-2023
Date of decision: 29.08.2023

Amarjit Singh Grewal

....Petitioner

V/s

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Abhishek Khullar, Advocate
for the petitioner.

DEEPAK MANCHANDA J.

Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of letters dated 25.05.2021 (Annexure P-3) and the letter dated 09.06.2021 (Annexure P-4) which wrongly envisage a recovery of Rs.1,66,837/- from the pension of the petitioner and order dated 30.06.2023 (Annexure P-7) and further directions be issued for staying the operation of the aforesaid letters i.e. (Annexure P-3 and P-4).

On receipt of advance copy, Mr. Surinder Singh Duhan, Advocate has put in appearance on behalf of the respondents No. 1 to 5 and filed his *memo of appearance*.

Brief facts emanated from the present petition would indicate that the petitioner retired from the respondent-Corporation as Additional Superintending Engineer on 31.05.2017 and being an employee applied for electricity concession

against account number SN03/1024 at house No.1151/1, Block No. 28, Vishal Nagar, Pakkhowal Road, Ludhiana on the ground that as per Rule 143.4 (b) an employee of PSPCL would be entitled for concession after obtaining half yearly certificate from the employer against the premises which was occupied by the said employee though the electricity connection may stands in the name of landlord (someone else) and the energy has been consumed by him (employee).

Learned counsel for the petitioner further contends that to avail the concession as per Rule 143-4(b) one half yearly certificate was mandated for obtaining the concession but petitioner did not submit the same as he had shifted from the said premises to the Chandigarh as his wife was working in Education Department, Chandigarh. He submits that in the said house/premises, the petitioner resided for only a few months and allegedly continued to avail concession but had stopped living there and due to this reason did not obtain the half yearly certificate who only came to know about when a Notice No.475 dated 05.09.2017 claiming an amount of Rs.1,66,537/- by the respondents was received as the owner namely, Jaswinder Kaur had challenged the levy of amount before the Consumer Disputes Redressal Commission, Ludhiana.

Learned counsel further submits that apprehending wrong recovery from the pension, the petitioner filed a CWP-14515-2021 which was disposed of by passing the order dated 03.08.2021 where the directions were issued to pass a speaking order on reply/explanation submitted by the petitioner and in compliance of the same, the impugned order dated 30.06.2023 (Annexure P-7) has been passed which itself is a non-speaking order.

Learned counsel for the respondents submits that the present petition is not maintainable as the recovery has been effected in pursuance to the liberty

granted by the Consumer Disputes Redressal Commission, Ludhiana on the complaint filed by the owner namely, Jaswinder Kaur where even the petitioner was also impleaded as a party. He further submits that the relationship of the employer and an employee has not come to an end by the reason of the retirement of the employee because the petitioner is still getting pension from the respondent-Department and the recovery which is being effected has already been decided by the District Consumer Disputes Redressal Commission and the said order has not been challenged by the present petitioner. Hence, the present petition is not maintainable as the said order vide which the respondent-Department is effecting the recovery is appealable under the Consumer Protection Act and no appeal has been filed by the petitioner.

I have heard learned counsel for the parties.

From the perusal of the order dated 11.02.2021 passed by the Consumer Disputes Redressal Commission, Ludhiana which reveals that respondent-Department issued Demand Notice No.475 dated 05.09.2020 claiming an amount of Rs.1,66,537/- from the complainant/owner being difference of normal and subsidized the same was decided where the petitioner was also impleaded as a party and the said District Consumer Disputes Redressal Commission while deciding the complaint filed by the owner/complainant allowed the complaint set aside the demand notice of Rs.1,66,537/- and ordered for refunding of the same to the complainant/owner and granted liberty to recover the same from present petitioner and even the petitioner was also granted liberty to avail appropriate remedy within 30 days from the date of receipt of said order.

Since the issue of recovery in dispute had already been decided by the Consumer Disputes Redressal Commission vide order dated 11.02.2021 and

the liberty was granted to the petitioner for challenging the same instead of having remedy of appeal, but petitioner has approached this Court challenging the detailed speaking order wherein also it has been clearly mentioned that the amount of recovery is being effected as per the directions given by the District Consumer Disputes Redressal Commission.

The petitioner who availed the concession in pursuance to the Rule 143.4 (b) the same is against Consumer Account No. SN03/1024 on which the petitioner resided for some period and to obtain such concession one half yearly certificate was mandated as per rules, which was not provided by the petitioner due to his own act and conduct, accordingly, the concession continued and resulted into the passing of recovery, which is attributable to the petitioner only.

Since the order passed in the complaint decided by the District Consumer Disputes Redressal Commission and petitioner was party to the same where order for recovering the amount from the petitioner was passed by the Consumer Disputes Redressal Commission itself, the present petition is not maintainable and is hereby dismissed.

29.08.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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