

CM-6210-C-2023 in/&
RSA-1577-2016 (O&M)

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. 2023:PHHC:080125

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-6210-C-2023 in/&
CM-4374-C & 4375-C-2016 in/&
RSA-1577-2016 (O&M))
Date of Decision :01.06.2023

M/s ATC India Tower Corporation Pvt. Ltd.

...Appellant

Versus

Punjab State Power Corporation Ltd.
and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhishek Sharma, Advocate for
Mr. Vishal Gupta, Advocate for the appellant.

None for the respondents.

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Harsimran Singh Sethi, J. (Oral)

CM-6210-C-2023

Present application has been filed for recalling the order dated 25.05.2023 passed by this Court by which, the main appeal was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 25.05.2023 passed by this Court is recalled and the main appeal is ordered to be restored to its original number and status and is taken up for hearing today itself.

RSA-1577-2016

1.

After arguing for some time, learned counsel for the appellant

submits that the claim of the appellant has not been adjudicated on merits and rather the same has been summarily dismissed on the ground of authorization to file the civil suit.

2. Learned counsel for the appellant submits that though, the said findings are debatable keeping in view the facts and circumstances of the present case but as the appellant is only interested for the redressal of his grievance, he has no objection in case, he be allowed to avail an appropriate remedy available under the Electricity Act, 2003 without there being any objection qua the limitation.

3. Keeping in view the facts and circumstances of the present case especially, that immediately after the passing of the order directing the appellant to pay certain amount, the appellant had filed a civil suit, the present regular second appeal is disposed of having been not pressed any further with liberty to the appellant to avail an appropriate remedy under the Electricity Act, 2003 for the redressal of his grievance. In case any such claim is filed by the appellant, the same be considered and decided on merits.

CM-4374-C & 4375-C-2016

Applications are also disposed of.

June 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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