

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

(110)

**2023:PHHC: 156742
CWP-25802-2023
Date of Decision: 07.12.2023**

Bibi Kaulan Ji Bhalai Kendra Office

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Anand Kaushal, Advocate for
Mr. D.S. Gandhi, Advocate for petitioner.

VINOD S. BHARDWAJ.J (Oral)

Prayer made in the present petition is for issuing directions to the respondents to decide the appeal filed by the petitioner against the impugned demand vide letters/orders dated 24.2.2023 and 5.5.2023 (Annexures P-2 & P-5), vide which respondent No.4 had raised a demand of enhanced additional load of 19.573 KW/KVAH, whereas the approved load of the petitioner Sarai was 7.4 KW/KVAH.

Learned counsel for the petitioner contends that respondent authorities had passed the final order of assessment against the petitioner whereby an amount of Rs. 2,56,674/- had been wrongly assessed. Aggrieved of the order of the assessing authority, the petitioner preferred an appeal with the Appellate Authority under Section 127 of the Electricity Act, 2003. The prerequisite deposit was also made by the petitioner before preferring the said appeal and that despite the appeal having been filed on 5.5.2023, the same is not being heard and finally decided.

Notice of motion.

Mr. Teevar Sharma, AAG, Punjab accepts notice on behalf of respondent no.1-State and Mr. R.S. Kalra, Advocate accepts notice on

behalf of respondent Nos.2 to 5.

It is argued by learned counsel appearing for respondents that the petitioner has no locus standi to prefer any appeal. He further submits that as per the instructions received by him, the appeal attached with the petition as Annexure P-6 has not been received in the office of the Appellate Authority. He further submits that in any case, in the event of the petitioner furnishing proof of the said appeal having been filed with the Appellate Authority and/or the petitioner filing an appeal henceforth in accordance with law before the Appellate Authority, the same shall be decided expeditiously and preferably within a period of four months, after granting opportunity of hearing to the petitioner.

Counsel for the petitioner accepts the above statement made by the counsel representing the respondents.

In view of the above said statement, the present petition is disposed of, without commenting on the merits of the present case, lest it may cause prejudice to the rights of any of the parties, with liberty to the petitioner to approach the respondent-Appellate Authority and furnish proof of filing of the said appeal and/or by way of filing of a fresh appeal to the Appellate Authority. In the event of the needful being done, the same shall be decided by the appellate authority within a period of four months after granting opportunity of hearing to the parties.

(VINOD S. BHARDWAJ)
JUDGE

07.12.2023

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