

2024:PHHC:119347



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

201

CWP-17682-1997 (O&M).
Date of Decision: 11.09.2024.

SHRI ASHWANI KUMAR GUPTA

.. Petitioner

Versus

THE PUNJAB STATE ELECTRICITY BOARD PATIALA AND
OTHERS

... Respondents

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

Present: Mr. Mansur Ali, Advocate, and
Mr. Imran Ahmed Ali, Advocate,
for the petitioner.

Mrs. Anupam Bhanot, Advocate,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the levy of surcharge on
supply of electricity on the ground that the same was illegal,
unconstitutional and contrary to the then in force provisions of the Indian
Electricity Act, 1910 and regulation/instructions issued by the erstwhile
Punjab State Electricity Board.

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2 Learned counsel for the petitioner contends that the petitioner is a consumer of the electricity supplied by the respondents (erstwhile Punjab State Electricity Board and now Punjab State Power Corporation Limited) against the sanctioned load of 926.057 KW and a contract demand of 1089 KVA. The petitioner was required to deposit Rs.4.5 lakhs as security/service charge as demanded by the erstwhile Punjab State Electricity Board for the grant of sanctioned load. Since the monthly minimum charges were being collected by the respondents as per the sanctioned load of the consumer, the same was the main reason why it was kept at a level lower than the contract demand. The same never amounted to any kind of less payment for the electricity used by the petitioner. It is contended that the respondent Distribution Licensee charged on the basis of sanctioned tariff rates but the problem arose that despite the load having been sanctioned, the respondent Distribution Licensee did not allow the consumer to use the full load so allowed and in the event of such consumption, a surcharge was levied which was illegal and unconstitutional. He contends that the levy of surcharge on the petitioner for consuming the permissible sanctioned load was thus unsustainable. Reliance was placed on certain provisions of the Electricity Act.

3 The respondents/PSPCL filed its reply dated 21.08.2024 in supersession of the reply filed by the erstwhile Punjab State Electricity Board dated 10.03.1998.

4 In the above said short reply, a stand has been taken by the respondent Distribution Licensee that the detailed procedure for resolution

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of the disputes of the nature, as has been raised by the petitioner herein before this Court, have been issued by the competent authority and according to regulation 141 of the Electricity Supply Regulations (Section IX) applicable at that time, an assessment could be reviewed by a Dispute Settlement Committee as it was then (now the Consumer Grievances Redressal Forum).

5 Learned counsel for the respondents contends that since issue pertaining to a contract demand and calculation of surcharge is involved in the present case, the same require examination of facts by the Consumer Grievances Redressal Forum.

6 In view of above objection, counsel for the petitioner does not press the instant petition at this stage so as to take recourse to his alternative efficacious remedy by approaching the Consumer Grievances Redressal Forum for adjudication of the controversy involved herein.

7 Disposed of as not pressed at this stage with liberties as aforesaid.

8 Needless to mention that in the event of the petitioner preferring any such petition before the Consumer Grievances Redressal Forum, the same shall be adjudicated expeditiously and without any undue delay. The period during which the proceedings have remained pending before this Court shall be taken into consideration by examining the aspect of delay in institution of the proceedings/petition.

9 It is further directed that there will be an interim protection against the disconnection for a period of two months from the date of this

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order to enable the petitioner to approach the Consumer Grievances Redressal Forum or till the institution of the proceedings and consideration of the application for interim relief, if any, whichever is earlier.

10 Pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

September 11, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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