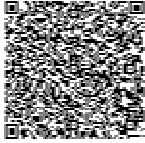


2024:PHHC:111131



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

203

CWP-25536-2013 (O&M).
Date of Decision: 28.08.2024.

URBAN IMPROVEMENT COMPANY (P) LIMITED

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Vaneet Soni, Advocate,
for the petitioner.

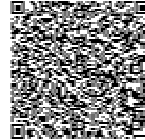
Mr. Pankaj Mulwani, DAG, Haryana

Mr. Puneet Jindal, Sr. Advocate, with
Ms. Navroop Jawanda, Advocate,
For respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The primary grievance espoused before this Court is with regard to the order 01.08.2013 passed by the Electricity Ombudsman, Haryana, in Civil Appeal No.19 of 2012 whereby the appeal filed by the petitioner was disposed of as not maintainable before the Electricity Ombudsman on the ground that the few plot holders had filed a writ petition before the Punjab and Haryana High Court wherein the draft mutual agreement between the parties was under consideration.

2024:PHHC:111131



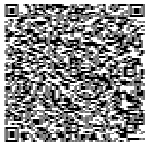
It was submitted by the counsel for the appellant that certain related issues of share/plot holders were pending before the Hon'ble Delhi High Court as well.

It is submitted that as per Regulation 18 (3) (d) of the Haryana Electricity Regulatory Commission Regulations No.02 of 2004 dated 12.04.2004, no complaint to the Electricity Ombudsman shall lie where the subject matter is already pending before a competent Court. He contends that as on today, no such matter is pending before any competent Court.

Learned Senior counsel for the respondent distribution licensee, on the other hand, contends that the Electricity Ombudsman may be called upon to pass a fresh order after taking into consideration all the subsequent developments that may have taken place and to examine the grievance of the petitioner in its entirety.

The present writ petition is accordingly disposed of on the statement made by the learned Senior counsel for the respondent distribution licensee which is not opposed to by the learned counsel for the petitioner with a direction to the Electricity Ombudsman, Haryana, to pass a fresh order in Appeal No.19 of 2012 after taking into consideration, the respective submissions advanced on behalf of the parties including the subsequent developments that may have taken place such as various court orders and the settlement between the parties.

2024:PHHC:111131



The parties are directed to appear before the Electricity Ombudsman, Haryana, on 30.09.2024 where the further proceedings shall be initiated in accordance with law.

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

August 28, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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