

2024:PHHC:119346



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

114

CWP-23131-2024 (O&M).
Date of Decision: 11.09.2024.

M/S AMRITSAR MILK CHILLING CENTRE

.. Petitioner

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND
ANOTHER

... Respondents

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

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

Mr. Shreesh Kakkar, Advocate,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the demand order dated
02.08.2024 (Annexure P-9) as well as to the final assessment order dated
22.02.2011 (Annexure P-5).

It is not disputed by the learned counsel for the petitioner that
final order of assessment was not challenged by the petitioner in appeal
under Section 127 of the Electricity Act, 2003 and instead he filed a civil

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suit which was dismissed by the Civil Judge (Junior Division), Amritsar vide judgment and decree dated 24.08.2013. Thereafter, there was no stay against the recovery of the said amount. The appeal preferred before the Additional District Judge, was allowed only on the ground that once the suit was dismissed on the ground of maintainability, there should not have been observations on the merits of the demand. An order for refund of the 25% amount deposited by the petitioner was passed. The PSPCL has impugned the judgment of the appellate Court to the said extent whereby a direction has been issued to it to refund the amount already deposited with it.

During the course of aforesaid proceedings, the respondent-PSPCL has raised the demand as finally assessed and having not been set aside by any competent Court vide impugned order dated 02.08.2024.

Learned counsel for the petitioner, at this stage, seeks withdrawal of the instant writ petition so as to take recourse to the alternative statutory remedies, if so advised, as per law.

Disposed of as withdrawn with liberties as aforesaid. All objections/claims of both the parties shall be open for the adjudication by the appellate Authority in the event of any such appeal being so preferred.

September 11, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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