

2024:PHHC:070011



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

127+311

CM-5442-C-2024 in/and
RSA-3216-2018 (O&M)
Date of decision: 17.05.2024

M/s Malwa Cold Storage and Ice Factory

...Appellant

Versus

Punjab State Electricity Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sujeet Kumar, Advocate for the applicant-appellant.

Mr. Vikas Chatrath, Advocate;
Mr. Abhishek Singh, Advocate and
Ms. Preetleen Kaur, Advocate for the respondents.

VIKAS SURI, J. (Oral)

CM-5442-C-2024

Prayer in this application under Section 151 CPC is for seeking directions to the respondents to process the OTS application of the applicant-appellant in the first instance without insisting for the condition of withdrawal of the present appeal.

Upon notice, Mr. Vikas Chatrath, Advocate had put in appearance on behalf of the respondents and sought time to have instructions.

On resumed hearing today, learned counsel for the respondents submits that as per the OTS scheme circulated vide commercial circular No.22/2023 dated 26.05.2023, the cases pending



RSA-3216-2018

-2-

before the Court, which have not been finalized, are to be withdrawn before the applicant is considered under the OTS scheme, and thereafter, arrears can be settled under the OTS scheme.

It is not disputed that the applicant-appellant has already applied under the OTS scheme and the same would be considered only after withdrawal of the present appeal as per terms of the OTS scheme.

Learned counsel for the applicant-appellant states that he does not wish to join issues with the respondents as the same would impact his case being considered under the present OTS scheme, however, he prays that his constitutional right to seek judicial review be protected.

In view of the above, learned counsel for the appellant prays for withdrawal of the present appeal with liberty to seek revival thereof in the eventuality the case of the applicant-appellant is not accepted under the OTS scheme.

CM stands disposed of.

RSA-3216-2018 (O&M)

1. Dismissed as withdrawn with liberty aforesaid.
2. Pending applications, if any, also stand disposed of.

May 17, 2024
sumit.k

(VIKAS SURI)
JUDGE

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