

2024:PHHC:160252



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

**210**

**CWP-30927-2019**

**Date of decision: 02.12.2024**

**AGYA PAL SINGH @ PAUL BATTH**

.....Petitioner

**VERSUS**

**PUNJAB STATE POWER CORPRATION LTD AND OTHERS**

.....Respondents

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

**\*\*\*\*\***

Present:- Mr. G.S. Punia, Senior Advocate with  
Ms. Manleen Kaur, Advocate  
for the petitioner.

Mr. Gagneshwar Walia, Advocate  
for respondents No.1 to 3-PSPCL.

Ms. Akshita Chauhan, DAG, Punjab  
for respondent No.4.

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**VINOD S. BHARDWAJ, J. (Oral)**

Challenge in the present writ petition is to the order dated 28.07.2014 passed under Section 126 of the Electricity Act, 2003 whereby the petitioner has been held liable to pay an amount of Rs. 1,71,207/- on account of unauthorized use of electricity. A prayer has also been made for setting aside of the order dated 11.02.2019 passed by the Appellate Authority under Section 127 of the Electricity Act, 2003.



Learned Senior counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner has been released the electricity connection for the micro drip irrigation system for cultivation of vegetables in one hectare of land. He contends that the respondent-authorities served a notice for unauthorized use of electricity on the pretext that instead of growing vegetables, the petitioner had converted the land for cultivation of paddy. He further submits that the appeal preferred against the said order of final assessment was dismissed by the Appellate Authority not only on the grounds of limitation but also by reiterating the findings noticed by the assessing authority. He has made a reference and placed reliance upon the Khasra Girdawari (Annexure P-8) alongwith the present writ petition as for the month of April 2014 as per which the land holding was being used for growing of Cauliflower (vegetable). He contends that as per the provisions of the Electricity Act, 2003, the assessment of unauthorized use has to be done for a period of 12 months or for the actual usage, whichever is less. He contends that the respondents have raised a demand without taking into consideration the Khasra Girdawari which showed that the petitioner had been using the electricity for the authorized use itself.

Learned Counsel appearing on behalf of the respondent-PSPCL contends that the above said argument and documents were not placed before the Appellate Authority at the time when the appeal under Section 127 was examined. He, however, fairly considers that

the above said document would certainly be relevant to ascertain the



actual liability of the petitioner, if the same is valid and lawful.

Under the given circumstances, the present writ petition is disposed of without commenting on the merits by setting aside the order dated 11.02.2009 (Annexure P-2) passed by the Appellate Authority with a direction to consider the evidence viz. the Khasra Girdawaris pertaining to the land holding and to pass a fresh order on merits after granting an opportunity of hearing to the respective parties. The parties shall appear before the Appellate Authority on 16.01.2025 for further proceedings. The parties shall be at liberty to place on record the relevant document in support of their substantive case.

(VINOD S. BHARDWAJ)  
JUDGE

DECEMBER 02, 2024

*Vishal sharma*

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