



CWP-1255-2025

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

(201)

CWP-1255-2025

Date of Decision : 17.03.2025

Navdeep Kumar

...Petitioner

Versus

PSPCL and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Tajender K. Joshi, Advocate  
for the petitioner.

Mr. Parminder Singh, Advocate  
for the respondents.

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**KULDEEP TIWARI, J.(ORAL)**

1. The provisional assessment order dated 13.09.2023 (Annexure P-1), issued by the distribution licensee (respondents), has been challenged by the petitioner, by filing the instant writ petition, cast under Articles 226/227 of the Constitution of India, on the ground that after passing of the provisional assessment order, no final order has been passed, whereas, a demand of Rs.53,63,605/-, has been added in the monthly bill dated 27.12.2024 (Annexure P-4), as sundry charges.

2. Learned counsel for the petitioner, at the very outset, submits that the reasons for approaching this Court, for challenging the provisional assessment order, is that the distribution licensee on the one hand, is not passing the final order, and on the other hand, has raised the demand by adding the amount in the monthly bill, as sundry charges. Therefore, in the absence of any final order, the petitioner cannot avail the statutory remedy of



appeal, as envisaged under Section 127 of the Electricity Act, 2003.

3. At the time of issuance of notice of motion, on dated 18.01.2025, hereinafter extracted order has been passed upon the instant petition :-

*“1. The grievance propelling the petitioner to institute the instant writ petition is that, despite filing objections, no final assessment order has been passed by the authority concerned, rather a demand has been raised in pursuance to the preliminary assessment.*

*2. Notice of motion.*

*3. Mr. Parminder Singh, Advocate, who records his appearance on behalf of the respondents, under a memorandum of appearance instituted before this Court today, accepts notice on behalf of the respondents. He is directed to file a validly executed Vakalatnama in his favour by the respondents on or before the subsequent date of hearing. Moreover, he is also directed to, on the subsequent date of hearing, inform this Court the reason for not passing the final assessment order.*

*4. List on 17.03.2025, in the urgent list.*

*5. The electricity connection of the petitioner shall not be disconnected till the subsequent date of hearing.*

*6. It is made clear that, on the subsequent date of hearing, no request for adjournment would be entertained on behalf of either side.”*

4. In compliance to the direction (supra), the written statement has been filed. In the said written statement, the distribution licensee (respondents), has placed on record the final order purported to have been passed on dated 12.10.2023, and submits that since the order has been passed way back in October, 2023, therefore, it was upon the petitioner to challenge the same, within one month after passing of the provisional assessment order.



5. Learned counsel for the petitioner, while drawing attention of this Court towards the regulation 42.1 of the Supply Code of 2014, submits that the respondents are under statutory obligation to communicate the final assessment order through the registered post, and the same has not been done till date, rather in order to cover up their lacuna, their own official concerned has wrongly recorded 'denial' on behalf of petitioner about receipt of final assessment order. He further submits that in fact, the order was an anti dated order. Finally, he submits that before passing the final assessment order, the objection which has been filed by the petitioner, has never been considered, nor any opportunity of hearing has been given to him.

6. Be that as it may be, since the final assessment has been placed on record by the distribution licensee (respondents), by filing a written statement, this Court, at this stage, without adjudicating the issue, as raised by the learned counsel for the petitioner, relegates the petitioner to the learned Appellate Authority concerned. The petitioner is at liberty to raise all such issues, which are raised before this Court, before the learned Appellate Authority concerned.

7. Since it is not under dispute that the final assessment order has never been communicated to the petitioner, as per the requirement of regulation 42.1 of the Supply Code, 2014, therefore, in case, the petitioner files an appeal, within a period of 30 days from today, with an application for condonation of delay on the ground of non communication of the final assessment order, the learned Appellate Authority concerned, after considering the lapse on the part of the distribution licensee concerned, pass an apt order for condonation of delay, and thereupon, shall decide the appeal preferably within a period of six months, from the date of receipt of certified

copy of this order/judgment.

8.               Consequently, the instant writ petition is **disposed of** accordingly.

(KULDEEP TIWARI)  
JUDGE

March 17, 2025  
Manpreet

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