



CWP-15156-1999 (O&M)

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

(101)

CWP-15156-1999 (O&M)

Date of decision:- 06.08.2025

Vijay Kumar Bansal

...Petitioner

V/S

Punjab State Power Corporation Limited, Patiala, and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chanakya Batta, Advocate, for the petitioner.

Mr. P.S.Thiara, Advocate, with
Mr. A.P.S.Virk, Advocate, for the respondents.

...

SUVIR SEHGAL, J. (Oral)

1. This is the third round of litigation at the hands of the petitioner, who is aggrieved of order dated 11.10.1999, Annexure P-7, passed by respondent No.3.

2. Brief facts leading to the filing of petition are that the petitioner is a practicing lawyer and has a domestic electricity connection bearing Account No. CF-47, which was burnt on 13.06.1998. Matter was reported to the respondents, an amount of Rs.700/- was deposited and a new meter was installed. On 12.08.1998, Annexure P-1, a demand notice was served upon the petitioner for deposit of Rs.20,692/- alleging that as per the laboratory report, meter was found burnt and four seals of the meter were found to be tempered. Another Memo dated 22.12.1998, Annexure P-2, was served upon the



petitioner, calling upon him to deposit Rs.1,14,162/-, on account of slowness of the meter. Petitioner approached this Court by filing CWP-136-1999, challenging demand notice, Annexure P-2. This Court stayed the discontinuation of supply of electricity and by an interim order dated 17.05.1999, directed that a final decision be taken by the Dispute Settlement Committee. In a meeting held on 06.08.1999, Zonal Level Dispute Settlement Committee dropped the demand notice, Annexure P-1, but upheld the second demand notice, Annexure P-2, which was subject matter of challenge before this Court in a second petition bearing CWP-12846-1999. Both the writ petitions were disposed of by Division Bench of this Court on 17.09.1999. The relevant extract of the order is reproduced here under:-

“We have heard learned counsel for the parties and perused the records of the two writ petitions. During the course of arguments, Shri P.S.Thiara learned counsel for the respondents made an extremely fair offer that the respondents are willing to re-consider the entire matter in an objective manner. Shri Jain stated that his client will feel satisfied if the competent authority of the Board re-examines the points raised by him. In view of this, we dispose of the writ petitions with the following directions:-

- (i) Within two weeks from today the competent authority of the Board shall communicate to the petitioner the detailed reasons for raising the demands of Rs.20,692/- and Rs.1,14,162/-.*
- (ii) Within next two weeks, the petitioner may submit representation against the demand. Such a representation shall be considered and decided by the competent authority of the Board in the next two weeks.*
- (iii) If the concerned competent authority comes to the conclusion that the petitioner is liable to pay penalty on account of slow metering or tampering with the seals of the meter then the petitioner shall be free to challenge the same by raising a dispute before the Circle Level Dispute Settlement Committee and or Zonal Level Dispute Settlement Committee and in that event such dispute shall be decided by the competent committee in accordance law after hearing the petitioner.”*



3. In deference to the order passed by this Court, respondent-authorities issued Memo No.1714, dated 29.09.1999, Annexure P-5, explaining the charging of the amount. Petitioner submitted a representation dated 08.10.1999, Annexure P-6, which has been rejected vide impugned order, Annexure P-7. Instead of approaching the Circle Level Dispute Settlement Committee and/or Zonal Level Dispute Settlement Committee, as directed by Division Bench of this Court vide judgment, Annexure P-4, petitioner has filed the instant petition, which was admitted on 29.01.2001, and disconnection of electricity connection was stayed. Respondents have filed a joint written statement, wherein an objection has been taken that petitioner has not approached the Dispute Settlement Committee in pursuance to the direction, Annexure P-4.

4. After hearing counsel for the parties, this Court finds substance in the objection raised by the respondents. Vide judgment, Annexure P-4, a Division Bench directed the petitioner to approach the Circle Level Dispute Settlement Committee and or Zonal Level Dispute Settlement Committee, however, the reasons best known to the petitioner, instead of filing the representation before the Committee, petitioner has filed the instant petition.

5. During the pendency of the instant petition, much water has flown. Electricity Act, 1910, has been repealed by the Electricity Act, 2003. In exercise of powers conferred upon the State Electricity Regulatory Commission under Section 181 of Electricity Act, 2003, Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016 (hereinafter referred to as "Regulations of 2016") have been framed. Dispute Settlement Committees constituted under the repealed Act, are no longer in existence. Now, petitioner



has a remedy of approaching the Forum under the said Regulations.

6. In view of above, while dismissing the writ petition, as not maintainable, liberty is granted to the petitioner to avail the alternate remedy available to him in accordance with law.

7. Noticing that instant petition has remained pending before this Court for the last 26 years, period spent in pursuing it, that is from 28.10.1999, the date of institution of the petition, till today, shall be excluding for the purpose of limitation, in case petitioner approaches the Forum constituted under the Regulations of 2016.

8. As the main case has been decided, all pending applications shall also stand disposed of.

06.08.2025
Pardeep

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes