

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

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**CWP-8367-1999 (O&M)
Date of Decision : July 07, 2025**

HAKUMAT RAI

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Puneet Jindal, Sr. Advocate with
Mr. Rohit Sharma, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Ms. Monica Chhibber Sharma, Advocate
for the respondent(s)-PSPCL.

KULDEEP TIWARI, J. (ORAL)

1. The demand(s) raised by the respondent(s)/erstwhile Electricity Board/now PSPCL (hereinafter referred to as the 'distribution licensee') through serving Annexures P-2 and P-4 upon the petitioner, propelled the latter to institute the instant writ petition way back in the year 1999, thereby beseeching quashing of the impugned Annexures. Moreover, a prayer is also encompassed in the instant writ petition for issuance of directions upon the distribution licensee to consider the petitioner's application and to inform him the manner of calculation of surcharge sought to be recovered from him.

2. Succinctly stated; the petitioner was consumer of the electricity connection No.MS-I and his son was consumer of the electricity connection No.MS-182, which were installed in the same premises falling under the

jurisdiction of Sub Division Basti Jodhewala, Ludhiana. On 08.01.1997, the distribution licensee, vide Memo No.2811/3561/SMI-268, issued the Commercial Circular No.4/97, thereby facilitating its consumers to seek clubbing/conversion of two or more connections installed in the same premises. Accordingly, in February, 1997, the petitioner made a representation to the distribution licensee for clubbing of the above two electricity connections. The representation was duly considered, whereupon, both the above electricity connections were clubbed and a new account No. LS-4 was allotted to the petitioner.

3. As per the Commercial Circular (supra), at the time of clubbing of electricity connections, the petitioner was also required to furnish an affidavit to the effect that, the entire conversion cost will be deposited by him in six equal monthly instalments and in the event of his failure to do so, the distribution licensee shall disconnect his connection and initiate recovery process. Although the affidavit (supra) was furnished by the petitioner on 10.03.1998, however, no instalment was paid. Moreover, at a subsequent stage, considering the LS (Large Supply) connection to be useless for him, the petitioner applied to the distribution licensee on 14.05.1999 for reduction in his sanctioned loan from 118.325 K.W. (LS category on account of clubbing) to 78.719 K.W. (M.S. category). The request of the petitioner was considered by the distribution licensee and his load was accordingly reduced in May, 1999. After reduction of the load, the petitioner again became a consumer of MS (Medium Supply) connection.

4. Since the petitioner was a consumer of LS (Large Supply) connection w.e.f. March 1997 to May 1999 and he did not make payment of

the conversion charges as per instructions of the distribution licensee and as per the requirement of the Commercial Circular (supra), hence he was liable to pay 20% LT surcharge as stipulated in the Commercial Circular No.5/97. Consequently, the demand(s) was raised by the distribution licensee by serving the impugned Annexures dated 21.04.1999 and 20.05.1999 upon the petitioner.

5. The demand(s) encapsulated in the impugned Annexures has been assailed before this Court, primarily on the ground that, the petitioner made a detailed representation to the distribution licensee, thereby seeking the details of calculation of surcharge levied upon him. However, instead of supplying the requisite details of calculation, the distribution licensee continued to insist for depositing the demanded amount.

6. The learned senior counsel for the petitioner fairly submits that, at this stage, the petitioner's grievance can be redressed if the distribution licensee is directed to: (i) provide the complete details of the calculations made in the impugned demand notices; (ii) provide the complete details of the charges levied for conversion/clubbing of his electricity connections from MS category to LS category; and (iii) disclose the manner of levying LT surcharge.

7. The learned senior counsel for the petitioner further submits that, despite the petitioner's LS connection being reduced to MS connection in May, 1999, the LT surcharge of 20% is being demanded for the period thereafter also, hence this aspect also requires reconsideration on the part of the distribution licensee. He further submits that, an amount of about ₹ 1,50,000/- has already been deposited by the petitioner with the distribution licensee,

which shall be taken into account while making fresh calculation(s), if required on account of any error in existing calculations.

8. The submissions made by the learned senior counsel for the petitioner are vociferously opposed by the learned counsel representing the distribution licensee. She submits that, the impugned demand notices have been issued in accordance with the circulars whereunder the petitioner applied for conversion/clubbing of his electricity connections. She further submits that, the demand notice dated 21.04.1999 (Annexure P-2) has been issued in respect of the conversion charges including the expenses of clubbing and transformer expenses, and, the demand notice dated 20.05.1999 (Annexure P-4) has been issued in respect of LT surcharge due from the month of March 1997 to May 1999.

9. This Court has heard the submissions advanced by the learned counsels for the parties and also perused the record.

10. There is no wrangle between the contesting litigants that, the petitioner has not yet been, despite making requests, provided with the details of calculations, on the basis of which the impugned demands have been raised, hence this Court deems it appropriate to **dispose of** the instant writ petition with direction upon the distribution licensee to, within 30 days from the petitioner depositing the entire demanded amount, excluding the amount if any already deposited, supply the complete details of calculations made in the impugned demand notices to the petitioner. Thereupon, if the petitioner has any grievance, he is at liberty to raise objections regarding the calculations (supra) before the appropriate authority/forum/court of law.

11. It is clarified that, in case, the amount deposited by the

petitioner is found to be over and above the demand raised by the distribution licensee, the same shall be adjusted in his future bills.

- 12. Disposed of accordingly.
- 13. Pending application(s) also stand disposed of accordingly.

July 07, 2025
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(KULDEEP TIWARI)
JUDGE

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