



CWP-9361-2022

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

(218)

CWP-9361-2022
Date of decision:- 19.08.2025

Baldev Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.K.Sandhir, Advocate
for the petitioner.

Mr. Saksham Dudeja, Advocate
for respondents No.1 to 3.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab
for respondent No.4.

SUVIR SEHGAL, J. (ORAL)

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of a writ, in the nature of certiorari, for quashing orders dated 19.10.2016 and 26.02.2019, Annexures P-3 and P-7, passed by respondent No.2, as also appellate order dated 04.04.2022, Annexure P-9, passed by respondent No.4.
2. Factual matrix leading to the filing of the petition is that petitioner is Director of M/s M.B. Exports Limited, which is a company duly registered with the Registrar of Companies. The company is running a factory and has an electricity connection with a load of 475 kilowatt in the General Industrial Supply category. The factory premises were inspected on 16.09.2016 by the

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officials of the Punjab State Power Corporation Limited (PSPCL) and a report, Annexure P-1, was prepared. By order dated 19.09.2016, Annexure P-2, provisional assessment for unauthorized use of electricity was made under Section 126 of Electricity Act, 2003 and an amount of Rs.51,73,343/- was demanded. Petitioner filed objections and by final assessment order dated 19.10.2016, Annexure P-3, the demand was reduced to Rs.37,85,244/-. An appeal was filed before the Divisional Commissioner-respondent No.4, which was accepted vide order dated 31.10.2018, Annexure P-6, and matter was remanded to the assessing authority to pass a speaking order. A fresh assessment order dated 26.02.2019, Annexure P-7, was passed by respondent No.2, which was again challenged in appeal. The appeal was dismissed by respondent No.4 vide order dated 04.04.2022, Annexure P-9, which has been impugned herein.

3. Counsel for the petitioner has contended that factory was in the process of expansion and an induction furnace unit was installed, which was not functional when factory premises were inspected. He urges that charges for alleged unauthorized use of electricity have been assessed retrospectively with effect from 31.01.2016 without any basis. Counsel asserts that appellate authority has decided the appeal without adverting to the arguments raised by the petitioner and has passed a non-speaking order. He submits that as the order is cryptic, the same deserves to be set aside.

4. *Per contra*, counsel for PSPCL has supported the impugned action as well as the orders passed by the authorities. It has been submitted that the company had installed induction furnace, heater induction etc. He submits that



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as the petitioner was unauthorizedly drawing electricity, penalty has been rightly imposed.

5. I have heard counsel for the parties and considered their submission, besides examining the documents appended with the paper-book.

6. The relevant extract of the impugned appellate order, Annexure P-9, deserves to be noticed and is reproduced hereunder:-

“7. After perusing all the facts of the case, I am of the considered opinion that the Dy. Chief Engineer, Suburban Circle, Ludhiana had rightly passed the impugned order after considering the relevant facts and circumstances of the case. It is evident that load of the consumer increased drastically in the month of Jan/Feb 2016 onwards. Thus, the rise in demand is more potent and reliable document as compared to the bills for purchase of machinery; as the bills can be procured easily. In the instant case, no illegality- procedural or otherwise- was made explicit by the appellant. The appellant has failed to explain as to what illegality has been meted out to him while passing the impugned order. In view of the above, I do not find any merit in the present appeal and it is liable for dismissal. The same is, therefore, dismissed.”

7. A perusal of the above order shows that the appellate authority has not adverted to the contentions addressed by counsel for the petitioner. By merely noticing that the load of the consumer drastically increased, it has chosen to ignore the bills of purchase produced by the petitioner. Appellate authority has not adverted to any of the arguments raised by petitioner. The order to say the least, is bereft of any reasoning and cannot be sustained.

8. Stressing on the need of passing speaking orders by the quasi-judicial authorities, Supreme Court in **Siemens Engineering and Manufacturing Co. of India Limited Versus Union of India and another, (1976) 2 SCC 981**, held that where a quasi-judicial authority makes an order it



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must record its reasons in its support. Supreme Court observed that it is not suggested that the authority should have made an elaborate order discussing the arguments in the manner of a Court of law. But the order should have been a little more articulate so as to lend assurance that the case of parties has been properly considered. Supreme Court has further held that a sufficiently clear and explicit reasons in support of the order must be given by a quasi-judicial authority. In **Kranti Associates Pvt. Ltd. and another Versus Masood Ahmed Khan and others, (2010) 9 SCC 496**, Apex Court has emphasized that giving of reasons, has virtually become as indispensable component of decision making process and facilitate the process of judicial review by superior Courts. As the impugned order, Annexure P-9, *sans* any reason, it cannot be sustained.

9. For the reasons recorded above, impugned appellate order, Annexure P-9, is set aside and the matter is remitted to respondent No.4 to decide the appeal afresh by passing a speaking order.

10. Writ petition is disposed of.

11. Parties are directed to appear before respondent No.4-Divisional Commissioner, Patiala Division, Patiala on 15.10.2025, at 10:00 A.M., for further proceedings in accordance with law.

(SUVIR SEHGAL)
JUDGE

19.08.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No