



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

CWP No.14670 of 2025

Date of Decision : 21.05.2025

M/s. Alchem International Private Limited Petitioner

Versus

**Dakshin Haryana Bijli Vitran Nigan (DHBVN) through Managing
Director & another Respondents**

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D. P. Singh, Senior Advocate, with
 Mr. Jasdev Singh Mehndiratta, Advocate,
 for the petitioner.

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KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, filed under Articles 226/227 of the Constitution of India, prayer is made for issuance of a Mandamus upon the respondent-distribution licensee to refrain from disconnecting the electricity connection of the petitioner-company, without following due procedure, as established by law. Further, a direction is also prayed for, to command the respondent-distribution licensee to compensate the loss borne by the petitioner-company, for the period commencing from 16.04.2025 till 28.04.2025, to the tune of ₹8.60 crores approximately.

2. The learned Senior counsel for the petitioner has made all endeavours to impress upon this Court regarding the maintainability of the instant petition seeking a Mandamus. He asserts that the petitioner has no other remedy for redressal of its grievances, except to file the petition at hand.



3. This Court finds the submissions made by the learned Senior counsel for the petitioner to be totally misconceived, and thus, the petition deserves to be dismissed, for the hereinafter recorded reasons.

4. To begin with, the statutory appeal, with regard to the due payment of electricity and other charges, is pending consideration before the learned Appellate Tribunal for Electricity (hereinafter referred to as, 'the Tribunal'). The Tribunal, in the said appeal, has already passed numerous orders to ensure that the electricity connection of the petitioner-company is not disconnected. Therefore, in order to appreciate the matter in issue, in its right perspective, it would be apposite to refer to the effective orders passed by the Tribunal. On 28.01.2020, a specific order for restoration of the power supply to the plant of the petitioner-company was passed, and the relevant portion thereof is extracted hereinafter:-

“The power supply to the Appellant shall be restored forthwith immediately upon deposit of the above mentioned amount i.e. Rs. One Crore which will be received by the Respondent Discom without prejudice to the contentions to claim the entire arrears as mentioned above.”

5. Thereafter, on account of non-appearance of the petitioner-company, its appeal was dismissed for non-prosecution by the Tribunal, vide order dated 14.02.2025 (Annexure P-23). But, vide order dated 21.04.2025 (Annexure P-25), it was restored. However, in the



interregnum, the electricity connection of the petitioner-company was disconnected by the respondent-distribution licensee. In this way, fetching grievance from the act of the respondent-distribution licensee, the petitioner-company had filed a miscellaneous application before the Tribunal, which was disposed of in its favour on 22.04.2025 (Annexure P-28), specifically clarifying that consequent upon the restoration of the appeal, the interim order dated 28.01.2020 (supra), would stand revived. Therefore, it would be apposite to refer to the relevant portion of the order dated 22.04.2025:-

“Mr. D.P. Singh, learned Senior Counsel appearing on behalf of the Appellant, would submit that, consequent on restoration of the appeal, the interim order passed by this Tribunal on 28.01.2020 would stand revived and no order, in violation of the said interim order, can be passed by the respondents till the said interim order remains in force or till the main appeal is disposed of. We are in agreement with this submission urged on behalf of the Appellant”

6. However, when the said clarification did not yield any fruit, the petitioner-company was again propelled to approach the Tribunal. Accordingly, the Tribunal had issued a categorical direction for restoration of the electricity connection, which is clearly reflected in the order dated 28.04.2025 (Annexure P-32), and the relevant extract is reproduced hereinafter:-

“It is clear that respondents are bound to comply with the said order and their failure will be treated as non-compliance of the order of this Tribunal. When the matter was listed today, as per the direction in the last order, it is



submitted by the Respondents that they have not complied with the order as the appeal is not maintainable. The same argument was also raised before Hon'ble Court-I when the matter was heard on 22nd April, 2025. We find it appropriate that non-compliance of the said order deserves to be looked into with seriousness of the matter of not abiding by the orders of this Court. Respondent No. 1 may take instructions on this, failure to which, action may be taken against them for non-compliance of the order. The Appeal will be heard subsequent to the compliance of the order in this regard.”

7. However, since the said direction was not complied with, the petitioner was left with no other option, but to again rake up the matter before the Tribunal. During the course of hearing before the Tribunal, learned counsel for the respondent-distribution licensee had assured that the electricity supply of the petitioner-company would be restored, forthwith. Accordingly, on 29.04.2025 (Annexure P-33), following order was passed by the Tribunal:-

“Today when the matter was called for hearing, Ms. Nikita Choukse, Learned Counsel for Respondent No.1, on instructions, submitted that the Electricity will be restored by today. Accordingly, we find that the matter is ready for hearing.

Mr. D. P. Singh, Learned Senior Counsel appearing on behalf of the Appellant seeks sometime to file a short note. As requested, a short note on the issue shall be filed by the contesting parties before the next date of hearing with advance copy of the other side.

xx xx xx xx”



8. The above sequence of events and the interim orders clearly reflects that the petitioner-company has availed the efficacious statutory remedy, and its grievance has already been adjudicated upon by the Tribunal. Further, the appeal is still pending. Therefore, when the matter is still subjudice before the Tribunal, the asked for Mandamus is not required to be issued.

9. Not just that, this Court has also examined the second prayer made in the instant petition. However, as payment of compensation on account of disconnection of electricity connection is a highly disputed question of fact, it can only be adjudicated upon, by the apt forum under the relevant provisions of law. Further, the issue: whether, the act of the respondent-distribution licensee is within its legal realm? is still pending consideration before the Tribunal. Thus, the prayer in question is, indeed, pre-mature.

10. In summa, this Court finds no merit in the present writ petition and the same is, accordingly, dismissed.

11. However, before parting, it would be expedient to observe that dismissal of the petition would have no bearing on the appeal, that is pending before the Tribunal.

21st May, 2025
raj/AK Sharma

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No