



CWP-16325-2025

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

(272)

CWP-16325-2025

Date of Decision : 10.07.2025

Prem Kumar

...Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Ms. Gurneet Sagoo, Advocate for
Mr. Ekompal Singh, Advocate
for the respondents-PSPCL.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for quashing of impugned provisional order of assessment dated 01.07.2024 (Annexure P-2), as passed by the distribution licensee (respondent No.2).

2. The provisional assessment order (supra), has been challenged on the ground that, despite the petitioner has filed the objections to the preliminary assessment order, and without passing any final assessment order, the penalty amount has been added in the consumption bill of the petitioner. Further, the electricity connection of the petitioner, which was earlier domestic (DS) category, has now been converted into Commercial (NRS) category, without giving any opportunity of hearing to the petitioner.



3. This Court, vide order dated 29.05.2025, without issuing notice of motion in the instant petition, had directed the respondent-distribution licensee, to apprise this Court, as to whether, any final assessment order has been passed or not. The said order is extracted hereinafter :-

“Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for quashing of impugned provisional order of assessment, issued vide notice dated 01.07.2024 (Annexure P-2), by respondent no.2.

On an advance notice, Mr. Ekompal Singh, Advocate, has caused appearance on behalf of the respondents.

At this stage, without issuing notice of motion, learned counsel appearing on behalf of respondents, is directed to apprise this Court, as to whether, any final assessment order in the instant matter, has been passed or not.

Adjourned to 10.07.2025.”

4. In deference to the directions, as issued by this Court, by drawing an order (supra), Ms. Gurneet Sagoo, Advocate, has caused appearance today on behalf of the respondent-distribution licensee concerned, and apprises this Court, that no final assessment order has been passed. However, she further submits that final assessment order could not be passed, as neither the petitioner has joined the proceedings, nor has filed any reply. Therefore, the instant writ petition is a premature petition, and no cause of action arises in favour of the petitioner, till any final assessment order is passed.

5. This Court has considered the submissions, as made by the learned counsel for the parties concerned, and is of the considered opinion that since no final assessment order has been passed, after serving the petitioner with provisional assessment order, therefore, the penalty amount, which was added in the consumption bill of the petitioner, is totally illegal. The said



amount can only be added once the respondent-distribution licensee concerned, passes the final assessment order.

6. At this stage, learned counsel for the petitioner, also apprises this Court, that he has duly filed his objections on dated 06.09.2024, (Annexure P-4), and therefore, the respondent-distribution licensee concerned would have passed the final assessment order, after giving due opportunity of hearing to the petitioner.

7. This Court, after perusal of the record available, does not find any reasons for converting the petitioner’s electricity connection from domestic category, to commercial NRS. Therefore, the penalty amount, which was added in the consumption bill of the petitioner, is entirely illegal. Furthermore, the conversion of the nature of the electricity connection of the petitioner is also without taking any legal recourse, as envisaged under the Electricity Act, 2003, therefore, the respondent-distribution licensee concerned, is restrained to add the penalty amount in the electricity bill of the petitioner, till apt action is taken on the part of the distribution licensee concerned. It is also directed that in the meanwhile, the electricity connection of the petitioner shall remain as domestic.

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

9. It goes without saying that the respondent-distribution licensee concerned, is at liberty to take a final decision on the preliminary provisional assessment order, in accordance with law.

(KULDEEP TIWARI)
JUDGE

July 10, 2025

Manpreet	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No