



CWP-21459-2025 (O&M)

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

(107)

CWP-21459-2025 (O&M)

Date of decision:- 04.09.2025

Punjab State Power Corporation Limited

...Petitioner

Versus

Sukhpal Dass and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Baltej Pal Singh Walia, Advocate, and
Ms. Karishma Sharma, Advocate, for the petitioner.

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SUVIR SEHGAL, J. (Oral)

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1. Affidavit of Er. Gursharan Singh, Additional Superintending Engineer, City Division, PSPCL Sunam, District Sangrur, dated 18.08.2025, filed in compliance with the order passed by this Court, is taken on record.

2. Application is allowed.

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3. This petition has been filed *inter alia* for issuance of a writ in the nature of certiorari for quashing award dated 12.03.2025, Annexure P-1, passed by the Permanent Lok Adalat (Public Utility Services), Sangrur (for short “the Lok Adalat”).



4. Respondent No.1 filed an application, Annexure P-2, under Section 22-C of the Legal Services Authorities Act, 1987 (for short “Act of 1987”) averring that he applied for a tubewell connection for irrigating of his land vide A & A Form dated 05.03.1990, Annexure P-4. An amount of Rs.160/- was deposited on 05.03.1990, and he was informed that release of connection is likely to take time. In the year 2019, respondent No.1 approached PSPCL to enquire about the status of his application and he came to know that his application had been rejected. He sought information under the Right to Information Act, 2005, and came to know that vide letter No.644, dated 29.03.2001, Annexure P-5, a demand notice was issued by registered post, but it was never delivered to him. When he approached the respondent authorities for the release of connection, vide letter dated 03.06.2021, he was informed that the connection cannot be released to him. He filed application, Annexure P-2, before the Lok Adalat for the release of the tubewell connection. Petitioner contested the proceedings by filing a reply, wherein it was stated that demand notice, Annexure P-5, was issued in the name of respondent No.1, at his residential address, but the envelope, Annexure P-6, was returned by the postal authorities with the remarks that addressee could not be found. Petitioner took a stand that as per ESIM Clause 17.3, validity of the demand notice has expired and it cannot be extended. After efforts to bring about a reconciliation between the parties did not fructify, Lok Adalat adjudicated the dispute on merits and vide impugned award, Annexure P-1, directed the petitioner to release the tubewell connection on the basis of his application dated 02.03.1990, on payment of requisite charges and awarded compensation of Rs.15,000/-.



5. By placing reliance upon Commercial Circular No.5/2020, dated 10.02.2020, Annexure P-9, counsel for the petitioner has urged that extension in the period of demand notice after the expiry of the original period can be granted by officers of different designations upto the period of 10 years and no extension thereafter is permissible. He contends that as respondent No.1 did not pursue his application for more than two decades, he cannot be permitted to revive a time barred frame.

6. I have heard counsel for the petitioner and considered his submissions besides examining the documents appended with the paper book.

7. On the basis of an application submitted by respondent No.1 for release of tubewell connection, a demand notice was issued by registered post, Annexure P-6, which was never delivered to respondent No.1. It was received back with the remarks that respondent No.1 could not be found. The registered cover mentions different dates of April, 2001, when attempt was made by the postal authorities to deliver the postal article to respondent No.1. By interim orders dated 29.07.2025 and 27.08.2025, this Court called upon the petitioner to file a specific affidavit and apprise the Court as to whether any attempt was made to serve the demand notice upon respondent No.1, after the postal cover was received back. A fresh affidavit dated 01.09.2025 has been filed by Er. Gursharan Singh, Additional Superintending Engineer, City Division, PSPCL Sunam, which is taken on record, wherein it has been *inter alia* deposed as under:-

“5. That the Petitioner-Corporation had dispatched the demand notice strictly in accordance with the address furnished by Respondent No.1. Beyond this postal mode, no further particulars



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were available to facilitate service. Having exhausted the only available mode, the Corporation acted with due diligence and bona fide compliance. Accordingly, no further attempt of service was made, as no alternative particulars were available on record.”

8. It is, therefore, evident that after the registered cover was received back from the postal authorities, petitioner did not make any attempt to serve the demand notice upon respondent No.1. As the demand notice was never served upon respondent No.1, it cannot be said that its validity had expired. In such a situation, there can be no question of extension in period of demand notice and reliance placed upon Commercial Circular, Annexure P-9, is of no aid to the petitioner. Petitioner could not bring any material to the notice of this Court to show that the address of respondent No.1 had changed. Respondent No.1 has categorically asserted that he has been residing at the same address throughout. This Court, therefore, does not find any reason to interfere with the well reasoned award, Annexure P-1, passed by the Lok Adalat.

9. Finding no merit in the petition, it is dismissed with no order as to cost.

(SUVIR SEHGAL)
JUDGE

04.09.2025
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes