



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

201

LPA-28-2017 (O&M)**Date of Decision: 19.09.2025****PUNJAB STATE POWER CORPORATION LTD AND ORS**

...Appellants

Versus

BALBIR SINGH BARA AND ANR

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Meena Bansal, Advocate, for the appellants.

Mr. Rahul Sharma-I, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present appeal, the challenge is to the order dated 10.11.2016 passed by the learned Single Judge in CWP-17719-2016, whereby the writ petition preferred by the appellants was dismissed.

2. Learned counsel for the appellants submits that the learned Single Judge failed to consider the actual facts and did not decide the question as to whether the order passed in appeal by the Additional Deputy Commissioner, Ludhiana, dated 20.01.2016, could have been heard and decided without condoning the delay in filing the appeal.

3. It is contended that despite the specific objection raised that the appeal is time barred, the appeal has been decided on merits vide order dated 20.01.2026 (Annexure P-12) without first determining whether appeal is time barred or the delay is to be condoned especially when the Additional Deputy Commissioner, Ludhiana, lacked jurisdiction to hear the same unless



the delay was condoned.

4. Learned counsel appearing on behalf of respondent No.1, on the other hand, submits that there existed sufficient cause for condonation of delay as respondent No.1 was pursuing a suit on the same grievance and thereafter, filed an appeal which was within limitation.

5. We have heard learned counsel for both the parties and have gone through the record of the case with their able assistance.

6. A bare perusal of the appellate order dated 20.01.2016 passed by the Additional Deputy Commissioner, Ludhiana, shows that the argument regarding the appeal being time barred was noticed but not adjudicated upon. The said argument has not been decided on the basis of the fact when the appeal is within limitation or whether the delay in filing the appeal is condoned.

7. Learned counsel for respondent No.1 fairly concedes that before passing an order, there is no order holding that the appeal is within limitation or the delay is condoned as the appeal was filed after a period of three years. That being so, unless and until the appeal is treated as within limitation either condoning the delay or holding that the same within limitation, the same could not have been decided in view of the objections taken by the appellant before the Appellate Authority. A bare perusal of Annexure p-12 would show that objection raised qua limitation though noticed but has not been decided while deciding appeal preferred by respondent No.1. Even the said fact has escaped the notice of the learned Single Judge while dismissing the writ petition filed by the appellants.

8. Keeping in view the totality of the circumstances, the order



passed in appeal dated 20.01.2016 as well as the order of the learned Single Judge dated 10.11.2016 are set aside. The matter is remanded back to the Appellate Authority to decide afresh the question as to whether the appeal is within limitation or, if not, whether the delay deserved to be condoned. Only thereafter, the matter shall be decided on merits, if the delay is condoned or the appeal is found to be within limitation.

9. In case, it is found that the appeal is beyond limitation, no adjudication will be done on merit and in case, the appeal is found to be within limitation or the delay in filing the appeal is to be condoned, then only the issue will be decided on merits.

10. It is clarified that this Court has not expressed opinion with regard to the merits of the present appeal, which shall be considered by the Appellate Authority in accordance with law and based on the material available on record.

11. The present appeal stands allowed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 19, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No