



CWP-10157-2001 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-10157-2001 (O & M)
Date of decision:21.01.2026

PUNJAB STATE ELECTRICITY BOARD

...PETITIONER

VERSUS

PRINCIPAL SECRETARY TO GOVERNMENT, PUNJAB, & ORS.
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Kanav Singla, AAG, Punjab,
for respondents No.1 and 2.

None for respondent No.3.

SUVIR SEHGAL, J.

1. This writ petition has been filed assailing award dated 29.01.2000, Annexure P-3, passed by Chief Electrical Inspector, Punjab as well as appellate order dated 19.02.2001, Annexure P-4, passed by respondent No.1 under the Indian Electricity Act, 1910 (for short "Act of 1910").



2. Counsel for the petitioner states that respondent No.3 was running a cold storage in District Ludhiana and was drawing electricity from connection bearing No.LS-10, which was inspected on 12.04.1988 by a Mobile Meter Testing Squad, and it was found that two out of three meters installed in premises of respondent No.3 were running slow. Counsel submits that after over-hauling the accounts, three bills were raised, which were disputed by respondent No.3 and matter was referred to Chief Electrical Inspector under Section 26(6) of Act of 1910, who passed impugned award, Annexure P-3. Counsel states that award was challenged by filing an appeal before respondent No.1 under Section 36(2) of the Act of 1910, which has been rejected vide impugned order, Annexure P-4, on the ground that it is barred by limitation. Counsel asserts that impugned award, Annexure P-3, was received in the office of petitioner on 20.09.2000 and after processing it as well as obtaining approval, appeal was instituted after a delay of six days. Counsel contends that as the delay is due to official procedure, it deserves to be condoned and the appeal has to be decided on merits.

3. Although, no one has caused appearance on behalf of contesting respondent No.3, but a written statement has been filed, contesting the petition. It has been stated that delay has been wrongly calculated by petitioner. Contesting respondent has taken a stand that award, Annexure P-3, was dispatched to the parties with a covering letter dated 10.03.2000, Annexure R-1 and this letter must have been delivered in the office of petitioner in March, 2000. It is the case of contesting respondent that appeal



has been preferred after a delay of more than six months for which petitioner has not offered any explanation.

4. Having heard counsel for the petitioner, this Court is of the considered view that there is no merit in the writ petition. It is not in dispute that an appeal against an award passed by a Chief Electrical Inspector lies to the Government under Section 36(2) of the Act of 1910. This statutory provision does not provide any period of limitation for institution of appeal, which finds mention in Rule 6(3) of the Indian Electricity Rules, 1956. The relevant rule is reproduced hereunder:-

“(3) Every appeal made under sub-rule (1) shall be in writing, shall be accompanied by a copy of the order appealed against and shall be presented within 3 months of the date on which such order has been served or delivered or is deemed to have been served or delivered as the case may be.”

5. The rules framed under the statute, therefore, prescribed a maximum period of three months for the filing of the appeal. The statute or rules framed thereunder do not vest any power upon the Appellate Authority to condone delay in the filing of an appeal. In **The Property Company (P) Ltd. Versus Rohinten Daddy Mazda, (Law Finder Doc Id #2833892)**, Hon’ble Supreme Court has held that the provisions of the Limitation Act, 1963, which prescribe the period of limitation would only apply to suits, applications or appeals, which are filed before the ‘courts’. Apex Court has clarified that principles underlying Section 5 of Limitation Act, 1963 are inapplicable to the quasi-judicial bodies or tribunals, unless such quasi-



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judicial bodies or tribunals are specifically empowered in that regard. As power to condone the delay has not been vested in the Appellate Authority, which is a quasi-judicial body, it cannot condone the delay. Appellate Authority has rightly dismissed the appeal as being barred by time.

6. In view of the above, this Court finds no infirmity in the impugned award, Annexure P-3, as well as order, Annexure P-4, passed by the authorities under the Act of 1910.

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

21.01.2026

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No