



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

124

CWP-8170-2026

Date of Decision: 20.04.2026

INDIAN OIL CORPORATION LTD.

...Petitioner

Vs.

UNION TERRITORY CHANDIGARH AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ramdeep Partap Singh, Advocate and
Mr. Sahil Koul, Advocate
for the petitioner

Mr. Himanshu Arora, Addl. Standing Counsel with
Mr. Himanshu Malik, Jr. Panel Counsel
for respondent-U.T.

Mr. Nitin Bhasin, Advocate and
Ms. Bharti Bhatia, Advocate
for respondents No.3 & 4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of provisional assessment order dated 18.07.2025 and consequential proceedings whereby demand of Rs.18,43,494/- was raised on account of wrong application of multiplying factor at the time of generating monthly electricity bills for the period from 07.01.2019 to 30.05.2025. It is also seeking setting aside of order dated 09.03.2026 passed by Consumer Grievances Redressal Forum whereby demand has been confined to three years.

2. Learned counsel for the petitioner submits that respondent beyond its jurisdiction has framed assessment and created liability. The respondent is a Limited Company and cannot create liability for the period it was not a licensee. He further submits that respondent is threatening to disconnect petitioner's electricity supply. The petitioner is public-sector undertaking and there seems no reason to take coercive steps against the petitioner.

3. Learned counsel for the respondent submits that petitioner has remedy to file appeal before Electricity Ombudsman constituted under Section 42(6) of Electricity Act, 2003 (for short '2003 Act'). The petitioner has approached this Court without availing alternative remedy.

4. Faced with this, learned counsel for the petitioner submits that impugned order is *prima facie* bad in the eye of law. The respondent has raised demand beyond jurisdiction, thus, writ jurisdiction can be invoked.

5. Heard the arguments and perused the record.

6. Section 42 of 2003 Act provides that every distribution licence shall establish a forum for redressal of grievances of the consumer. It further provides that any consumer who is aggrieved from non-redressal of his grievance by Redressal Forum may make a representation to Ombudsman appointed by State Commission. Section 42(5), (6), (7) and (8) are reproduced as below:-

“(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

- (6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.*
- (7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.*
- (8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.”*

7. The petitioner approached Consumer Forum constituted under Section 42(5) which partially redressed its grievance. The petitioner did not avail remedy to approach Electricity Ombudsman as provided under Section 42(6). The said remedy is an efficacious remedy. This Court does not find appropriate to invoke its jurisdiction under Article 226 of the Constitution of India especially when petitioner had availed remedy under Section 42(5) of 2003 Act. The petitioner is relegated to Electricity Ombudsman. If it files appeal/representation within two weeks from today, the respondent shall not take coercive steps till the date of filing appeal and first date of hearing by Electricity Ombudsman.

- 8. Disposed of.
- 9. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

April 20, 2026
Deepak DPA

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