

LPA-612-2022 (O&M) &
LPA-633-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212 (02 cases)

LPA-612-2022 (O&M)
Date of Decision :12.03.2026

Punjab State Power Corporation Ltd
and another

...Appellants

Versus

M/s Goyal Rice Mill and another

...Respondents

LPA-633-2022 (O&M)

M/s Goyal Rice Mill

...Appellant

Versus

Lok Adalat and others

...Respondents

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

Present: Mr. ADS Sukhija, Sr. Advocate with
Mr. Ish Karan Singh, Advocate for the appellant in
LPA-612-2022.

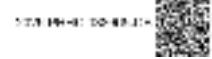
Mr. Kashish Garg, Advocate for respondent No.1 in LPA-612-2022
and for appellant in LPA-633-2022.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-1395-LPA-2022

1. Present application has been filed for condonation of delay of 67 days in filing the present appeal.
2. Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 67 days in filing the present appeal is condoned.



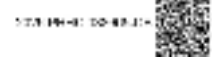
LPA-612-2022

3. In the present appeal, the challenge is to the order dated 19.04.2022 passed by the learned Single Judge of this Court in CWP-2989-2016 by which, the writ petition filed by the respondent No.1-Mill was allowed and a direction was issued to the appellants to refund the amount of Rs.7,98,290/- to respondent No.1.

4. Learned Senior counsel appearing for the appellant-Corporation argues that the impugned order was passed by the learned Single Judge of this Court before the reply to the writ petition could be filed by the appellants herein to the writ petition. Learned Senior counsel further submits that though, the fault in not filing the reply lies with the appellants but the contentions sought to be raised on behalf of the appellants-Corporation should have been allowed to be brought on record before deciding the issue hence, the matter be remanded back to the learned Single Judge to decide the same afresh after giving due opportunity of filing reply to the claim raised by the respondent No.1-Mill herein in the writ petition.

5. Learned counsel for respondent No.1-Mill submits that due opportunity was given to the appellants but when no reply was filed, the learned Single Judge had no option but to decide the issue and in case, now the case is remanded back, the same will cause prejudice to the respondent No.1-Mill as the writ petition was filed in the year 2016 and 08 years have already elapsed. Learned counsel for respondent No.1-Mill submits that in case the matter is to be remanded back to the learned Single Judge, the respondent No.1-Mill should be duly compensated by way of cost.

6. We have heard learned counsel for the parties and have gone



through the record with their able assistance.

7. No doubt, the order was passed by the learned Single Judge in the present petition and as the reply was not filed by the appellants, their stand was not taken into consideration while allowing the writ petition. The appellants-Corporation should have been vigilant enough to protect its right but once, an opportunity was granted, they should have filed reply for the consideration of the Court while deciding the claim raised at the hands of the respondent No.1-Mill herein.

8. Issues raised should be decided by evaluating the merit of the claim raised. In case, reply was not filed, coercive action should have been taken to impose costs rather than allowing the claim and that too without adjudicating the entitlement.

9. Hence, the impugned order dated 19.04.2022 passed by the learned Single Judge of this Court is set aside and the case is remanded back to the learned Single Judge of this Court for fresh consideration after granting only one opportunity to the appellants to file its reply.

10. It may be noticed that as there is delay in deciding the issue raised by the respondent/petitioners which delay is attributable to the appellants only, the appellants are directed to pay a sum of Rs.50,000/- to the respondent No.1-Mill as cost to compensate them for the delay.

11. Parties are directed to appear before the learned Single Judge of this Court as per roster. In case cost is not paid, then order passed by the learned Single Judge of this Court impugned in the appeal, will be treated final and the appeal will be treated to have been dismissed.

11. Present appeal is disposed of in above terms.

**LPA-612-2022 (O&M) &
LPA-633-2022 (O&M)**

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LPA-633-2022

12. As the impugned order dated 19.04.2022 passed by the learned Single Judge, on the basis of which the present appeal has been filed claiming the benefit of interest, has been set aside by this Court and the matter is remanded back to the learned Single Judge for fresh adjudication, the present appeal has been rendered infructuous and the same is disposed of accordingly.

13. A photocopy of this order be placed on the file of connected case.

14. Civil miscellaneous application pending, if any, is also disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

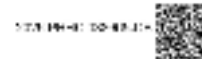
**(VIKAS SURI)
JUDGE**

March 12, 2026

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Whether speaking/reasoned : Yes

Whether reportable : No



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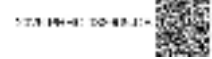
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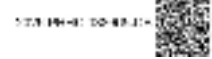
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