



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

**CWP-16516-2018 (O&M)
Date of Decision: 06.05.2026**

M/S BRAR ELECTRICAL & SUPPLIER ...Petitioner
Versus

CHAIRMAN-CUM-MANAGING DIRECTOR, PUNJAB STATE
POWER CORPORATION LIMITED AND OTHERS
...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manvinder Singh Sidhu, Advocate for the petitioner.

Mr. Akshay Rawal, Advocate for the respondents.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of memo dated 10.10.2017 whereby respondent has proposed to recover Rs.7,50,000/- from it.

2. On 10.07.2018, the following order was passed:

“The petitioner had been awarded the work of fabrication of 11 KV feeder to erect another 11 KV Model Town Feeder, vide work order dated 02.08.2012. The petitioner was also given the payment of the work done in the year 2012 itself. However, now on the basis of audit report, the Senior Executive Engineer (Operations Division) Kharar has written a letter dated 10.10.2017 that the amount of Rs.7.50 lacs will be recovered from the petitioner on account of damage of 66 KV line from 220 KV Sub Station Khanpur on 25.08.2012.

Learned counsel for the petitioner inter alia contends that the impugned order is liable to be set aside, as when the work was completed by the petitioner, no damage was

caused to 66 KV cable. Further no notice or intimation has even been given to the petitioner by the department. No F.I.R has been registered in this case as well.

Notice of motion for 14.11.2018.

In the meantime, operation of impugned letter dated 10.10.2017 (Annexure P-2) shall remain stayed.”

3. Learned counsel for the parties are *ad idem* that a small portion of alleged demand has already been recovered and on account of aforesaid interim order, no further recovery has been effected.
4. On being asked, learned counsel for the respondents failed to point out any statutory provision whereunder impugned notice was issued. He submitted that demand was raised on the basis of audit objection.
5. The petitioner completed work in 2012 and impugned demand notice was issued on 10.10.2017. In the absence of any statutory provision, the respondent could initiate recovery in accordance with terms and conditions of the contract, however, could not take coercive steps.
6. In the backdrop, the order dated 10.07.2018 is hereby made absolute. The respondents are at liberty to initiate proceedings in accordance with law.
7. ***Disposed of.***
8. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.05.2026
Prince Chawla

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