



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

115

CWP-39532-2025

Date of Decision: 09.04.2026

SUKHDARSHAN KUMAR

...Petitioner

Vs.

PUNJAB STATE POWER CORPORATION LIMITED PSPCL AND
ORS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. C.M. Munjal, Advocate for the petitioner

Ms. Neha Rani, Advocate for respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking quashing of order dated 30.10.2025 (Annexure P-6) whereby Ld. Addl. District Judge, Patiala has dismissed his appeal filed under section 127 of the Electricity Act, 2003 (for short '2003 Act') on the ground of limitation.

2. The petitioner-proprietor is running a small industry under the name and style as "*M/s Moon Light Steels*" situated at Village Nihal Tehsil Patran, District Patiala. He got the electric connection bearing A/c No.MS16/0101X for aforementioned industry. He received an assessment order/notice dated 26.12.2018 whereby penalty of Rs.2,36,419/- was imposed upon him based upon inspection done by Additional SE En. FZR on 21.12.2018. This assessment order was followed by Final Assessment

order bearing No. 106 dated 25.01.2019. He filed objections before Respondent No.3- Executive Engineer, PSPCL, Patiala claiming that no authorized person was present at the time of inspection. He preferred appeal before Sub-Divisional Magistrate, Patran which was dismissed vide order dated 29.08.2019 on the ground of maintainability as connection in question was commercial. After approaching Collector, Patiala he came to know that as per directions of this Court appeal lies before Appellate Tribunal, Special Judge, Electricity Act. He approached Special Court. He filed petition along with application for condonation of delay which was dismissed vide impugned order dated 30.10.2025.

3. Learned counsel for the petitioner submits that due to confusion with respect to Appellate Authority, the petitioner at the first instance approached District Administration and thereafter Special Court. Both the Agencies kept the matter pending for quite long time and finally dismissed on the ground of jurisdiction/limitation. The petitioner may be granted liberty to approach appellate authority constituted under Section 127 of 2003 Act.

4. Learned counsel for the respondent submits that under Section 127 of 2003 Act, there is no provision with respect to condonation of delay, thus, delay may not be condoned.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner at the first instance approached District Administration against Assessment Order passed under Section 126 of 2003 Act. He thereafter approached Special Court. Neither District Administration nor Special Court was empowered to hear his appeal because order was passed under Section

126 and appeal lies before Appellate Authority under Section 127. The respondent has constituted Appellate Authority. There is no specific provision under Section 127 circumscribing power of Appellate Authority to condone delay. It means Appellate Authority is competent to condone delay considering principles laid down under Section 5 and 14 of Limitation Act, 1963.

7. In the backdrop, the petition stands disposed of with liberty to petitioner to file appeal before Appellate Authority within two weeks from today. If the appeal is filed within said period, the Appellate Authority would decide application seeking condonation of delay keeping in mind pendency of matter before different Forums.

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

(JAGMOHAN BANSAL)
JUDGE

April 09, 2026
Deepak DPA

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