



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

**LPA No. 1959 of 2025(O&M)
Date of Decision: 18.07.2025.**

M/s Alchem International Private Limited

.....Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam and another

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. D.P.Singh, Sr. Advocate
with Ms. Garima Saxena, Advocate
for appellant.

Mr. Sukhdeep Parmar, Advocate
for respondents No.1 and 2.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 21.05.2025 passed by learned Single Bench, whereby CWP No. 14670 of 2025 filed by appellant/writ-petitioner has been dismissed
2. It is a matter of record that statutory appeal filed by present appellant/writ-petitioner with regard to payment of electricity and other charges is pending consideration before learned Appellate Tribunal for Electricity (APTEL).
3. CWP No. 14670 of 2025 had been filed by appellant/writ-petitioner for directing respondents to refrain from disconnecting its

electricity connection without following the procedure established by law and to further compensate the petitioner-company for the loss borne by it due to electricity outage at its plant to the tune of Rs.8.60 Crores from 16.04.2025 till 28.04.2025.

4. Learned counsel for appellant submitted that appellant is a well-known and renowned company engaged in manufacture of Active Pharmaceutical Ingredients (APIs) addressing a broad spectrum of human ailments like cancer, blood pressure, diabetes, stomach and liver ailments etc. 80% of the APIs are exported to about 35 countries bringing invaluable foreign exchange to the country with 20% of the APIs being sold to India's Pharma Majors. It was stated that appellant-company is India's largest phytochemical plant and a pioneer industry in the State of Haryana with the primary manufacturing unit being located at Ballabgarh. Appellant is a responsible company and has not faulted in making any payments to any vendor including respondent No.1 i.e., DHBVN.

5. The dispute pending before learned tribunal was touched upon by learned counsel for appellant emanating from memo dated 03.12.2015 being issued for a claim of Rs.77,64,156.59/- on the pretext that such amount had been adjusted in access for the period December 2013 to January 2014. Respondent No.2, it was stated also made a bogus claim of Rs.2.32 Crores as chargeable amount for the period from December 2013 to December 2014. However, the details in this respect are not relevant at this stage for adjudication of the controversy at hand and are not being delineated.

6. Argument raised before us was that respondent despite various orders issued by learned tribunal is continuing to disconnect the electricity connection of appellant at regular intervals leading to huge loss to the

appellant and such arbitrary act on the part of the respondent with repeated disregard of the process established by law amounts to infringement of constitutional rights of the appellant. When the appellant sought restoration of illegal disconnection of its electricity connection, it was asked to pay an amount of about Rs.8 Crores, which primarily forms the penal interest and penalty which is the subject matter of appeal pending before learned tribunal. The appellant, it was submitted is otherwise regularly depositing the total requisite dues for its electricity usage. Thus, this kind of persistent default on the part of respondent gives rise to a cause of action to the appellant to approach this Court under Article 226 of the Constitution of India. It was argued that learned Single Bench has grossly erred in dismissing the writ petition filed by appellant vide impugned order dated 21.05.2025 with the observations that as the matter is still subjudice before learned tribunal, no ground for interference was called for and insofar as payment of compensation on account of disconnection of electricity is concerned, it is a disputed question of fact. Reference was made to various orders passed by learned tribunal wherein respondent had been directed to restore the electricity connection to submit that the damages and compensation are clearly quantifiable, therefore it cannot be termed to be a disputed question of fact. It was thus prayed that present appeal be allowed, impugned order dated 21.05.2025 be set aside and writ petition be allowed as prayed for.

7. We heard learned counsel for the parties and have perused the file with their able assistance.

8. It is a matter of record that statutory appeal filed by appellant in respect to payment of electricity and other charges is pending consideration before learned Appellate Tribunal. Learned Single Bench has referred to

various orders passed by learned tribunal directing restorations of power supply to the appellant. Vide order dated 28.01.2020 passed by learned tribunal, it was directed that power supply to appellant be restored forthwith upon deposit of a sum of Rs.1 Crore without prejudice to its rights to claim the entire arrears. It is to be noted that appeal filed by appellant was dismissed for non-prosecution vide order dated 14.02.2025 and restored on 21.04.2025. In the interregnum, electricity connection of the petitioner-company had been disconnected. The position was clarified by learned tribunal vide order dated 22.04.2025 to the effect that interim order earlier passed on 28.01.2020 would also be revived with restoration of appeal. Respondents vide order dated 28.04.2025 were directed to comply with orders passed by learned tribunal, failing which action may be taken against them for non-compliance thereof. Reference has also been made to order dated 29.04.2025 passed by learned tribunal.

9. In the given factual matrix, learned Single Bench has correctly held that appellant has availed efficacious statutory remedy available to it and its grievance has/is being effectively adjudicated upon by learned tribunal. In our considered opinion when appeal filed by appellant is still pending before learned tribunal, it is open to appellant to raise all grievances as have been raised in respect to disconnection of the electricity before learned tribunal itself and the same is well within the realm of consideration of learned tribunal which is competent to take necessary action thereon. In fact action is being taken by learned tribunal. Insofar as the question of payment of compensation on account of disconnection of electricity connection is concerned, it is indeed a disputed question of fact and cannot be adjudicated upon in exercise of jurisdiction under Article 226 of the Constitution of India in the given factual matrix. Learned Single Bench has

correctly held as under:-

“9. Not just that, this Court has also examined the second prayer made in the instant petition. However, as payment of compensation on account of disconnection of electricity connection is a highly disputed question of fact, it can only be adjudicated upon, by the apt forum under the relevant provisions of law. Further, the issue: whether, the act of the respondent-distribution license is within its legal realm? is still pending consideration before the Tribunal. Thus, the prayer in question is, indeed, pre-mature.”

10. It is categorically observed by learned Single Bench that dismissal of writ petition would have no bearing on the pending appeal before the learned tribunal.

11. Learned senior counsel for appellant was unable to point out any ground which calls for setting aside order dated 21.05.2025 passed by learned Single Bench.

12. No other argument was raised.

13. Appeal is accordingly dismissed being devoid of any merit.

Pending application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 18, 2025.
s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No