



LPA No.2619 of 2024

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

LPA No.2619 of 2024

Date of Decision : **August 07, 2025**

M/s Sidharth Exporters, Mohkam Arrian Road, Jalalabad, District Fazilka,
Punjab Through its Sole Proprietor Rajinder Kumar.

.....Appellant

Vs

Punjab State Power Corporation Limited and others

Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Brijesh Nandan, Advocate for the appellant.

Mr. Randeep Pratap Singh, Advocate with
Mr. Sahil Koul, Advocate
for the respondents.

ROHIT KAPOOR, J.

1. The present appeal has been filed against the order dated 17.09.2024 passed by the learned Single Judge of this Court, in CWP-24840-2021, whereby the writ petition filed by the appellant, against the order dated 23.07.2021 passed by the Consumer Grievances Redress Forum, Patiala and against the order dated 07.09.2021 passed by the Ombudsman, has been dismissed.

2. Briefly stated, the facts of the case are that the appellant is running a rice mill at Jalalabad with large supply electricity connection bearing Account No. 3000855886. It is the case of the appellant that the respondent-corporation had allowed a rebate of Rs.1/- per unit plus other relevant charges for the consumption exceeding threshold limit, as per



Commercial Circular No. 49 of 2014 for the year 2014-15, which was also extended to the year 2015-16, vide tariff order dated 05.05.2015. However, the respondent Distribution Licensee did not adjust the benefit of threshold scheme for the year 2014-15 which amounted to Rs.2,57,563/- and also for the year 2015-16, which amounted to Rs.12,82,482/-.

3. The appellant claims that the said fact was realised during its internal scrutiny and audit in the month of March 2021 and accordingly, it filed a claim before the Consumer Grievances Redressal Forum, Patiala (CGRF), hereinafter referred to as 'the Forum', under the provisions of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulations, 2016, hereinafter referred to as 'the 2016 Regulations'. The petition filed by the appellant was rejected by the said Forum vide order dated 23.07.2021, on the ground that the same was filed beyond the period of limitation, as stipulated under Clause No. 2.27 of the 2016 Regulations, which envisage that the grievance may be rejected by the Forum at any stage, if it has been submitted two years after the date on which the cause of action arises.

4. Aggrieved by the aforementioned order passed by the Forum, the appellant preferred appeal No. 65/2021 before the Electricity Ombudsman, however, the same was also dismissed vide order dated 07.09.2021, constraining the appellant to file CWP-24840-2021 before this Court, under Article 226 of the Constitution of India.

5. The appellant assailed the orders passed by the Forum and the Ombudsman in his writ petition on the ground that the respondents were under an obligation to extend the concession of the rebate and in not doing



so, they have illegally and arbitrarily deprived the appellant of the benefit, which is otherwise legally admissible to it.

6. The contention of appellant before the learned Single Judge was that since it derived knowledge about the respondents not extending the benefit of the rebate, only on the audit of its accounts in the month of March 2021, hence, there was no delay in approaching the CGRF, and thus both the Forum as well as the Ombudsman fell in error, while rejecting its claim as being time barred.

7. The contentions made on behalf of the appellant were controverted by the respondents *inter alia* on the ground that its representative had himself admitted about being aware of the threshold rebate during the year 2016-17, yet the application was preferred before the Forum in the year 2021, without tendering any satisfactory explanation for the delay.

8. The learned Single Judge after taking into consideration the arguments raised by learned counsel and after considering the findings of the Forum and the Ombudsman, dismissed the writ petition vide its order dated 17.09.2024. The relevant paragraphs of the order passed by the learned Single Judge, are reproduced hereinafter, for the facility of reference:-

“4 Learned counsel appearing on behalf of respondents No.1, 3 and 4, on the other hand, contends that the submissions advanced on behalf of the petitioner firm are factually incorrect since the representative of the petitioner firm had himself admitted about being aware of the threshold rebate during the year 2016-17, at the time of hearing dated 07.09.2021. He refers to the operative part of the analysis and findings recorded by the Electricity Ombudsman, Punjab which is reproduced hereinbelow:-

“5. Analysis and Findings



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(viii) Moreover, the Appellant's Representative admitted during hearing on 07.09.2021 that he was aware about threshold rebate during the year 2016-17 onwards. It is not understood why the Appellant failed to represent about threshold rebate within two years of cause of action?

(ix) xxx xxx. xxx."

5. Referring to the above, it has been contended that despite the petitioner firm acknowledging that they were in knowledge of the admissible rebate in the year 2016-17, yet, the application was preferred by the petitioner firm before the CGRF only in the year 2021 without tendering any satisfactory explanation for the delay in preferring the said petition. He further submits that the lapse on the part of the petitioner in conducting an audit of its records annually cannot be relied upon for grant of benefit. The same would amount to taking premium of its own lapse.

6 No other argument has been raised.

7 I have heard learned counsel appearing for the respective parties and have also gone through the documents appended along with the present petition with their able assistance.

8 Even though the issue with respect to alleged admissibility of rebate in favour of the petitioner is not a subject matter of dispute, however, the admissible benefit of the rebate fell due at the end of the financial year and the same had to be claimed within the period prescribed by law. Undisputedly, the petitioner firm did not approach the CGRF within the time prescribed in law, hence, the claim was declined in view of the clause 2.27 of the PSERC (Forum and Ombudsman) Regulations, 2016.

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10 It is settled position in law that the law of limitation takes away the remedy through which a person may stake claim. The claim admittedly having been lodged after a considerable delay, a mere explanation by the petitioner of the audit of the accounts conducted thereafter and on expiry of the period of five years, cannot come to the aid of the petitioner firm to



seek an extension of limitation especially when the requirement was to get the audit conducted annually.”

9. Learned counsel appearing on behalf of the appellant has argued that the learned Single Judge has wrongly dismissed the writ petition on the ground that the claim raised by the appellant was barred by limitation, since the responsibility of implementing the instructions/notification regarding rebate in question was the obligation of the respondents themselves. It is further contended that the factum regarding non-compliance of the circular pertaining to grant of rebate came to the knowledge of the appellant for the first time during its internal account audit in the month of March 2021 and, therefore, it cannot be non-suited on the ground of limitation.

10. Learned counsel appearing on behalf of the respondent-Corporation has vehemently opposed the contentions made on behalf of the appellant and submitted that its claim was rightly rejected since the same could not have been entertained in view of the provisions of Clause 2.27 of the 2016 Regulations, which debar the claim/grievance to be raised beyond a period of 02 years from the date on which the cause of action arises.

11. We have heard the learned counsel for the parties and have perused the record with their able assistance.

12. Undisputedly the appellant had approached the Forum under the 2016 Regulations for redressal of its grievance regarding withholding of the benefit of rebate by the respondent. Clause 2.27 of the said 2016 Regulations, reads as under:-

“2.27 The Forum may reject the grievance at any stage, through a speaking order, under the following circumstances:



- a) *In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;*
- b) *In cases which fall under Sections 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act or the matters relating to open access granted under the Act.*
- c) *In cases where the grievance has been submitted two years after the date on which the cause of action has arisen or after two months from the date of receipt of the orders of DSC; and*
- d) *In the case of grievances which are:*
Frivolous, vexatious, malafide;
Without any sufficient cause; or
Where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.
Provided that no grievance shall be rejected unless the Complainant has been given an opportunity of being heard.”

13. There is no ambiguity with regard to the power of the CGRF to reject any claim on the ground that the same is beyond the period limitation, as prescribed under the aforementioned Clause 2.27 (c), provided the Complainant has been provided with an opportunity of being heard, which was done in the instant case. The only dispute between the parties is, whether the cause of action had arisen in the month of March 2021, as claimed by the appellant, or in the year 2016-17?

14. As is abundantly clear from the perusal of the relevant paragraphs of the order dated 17.09.2024, as extracted hereinabove, there was a categorical admission by the appellant during the hearing dated 07.09.2021 before the Ombudsman, that the appellant was aware of the



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admissible rebate w.e.f. 2016-17. The factum regarding the admission, was neither disputed before the learned Single Judge, nor is denied before us. Resultantly, there can be no other conclusion but to hold that the appellant cannot seek any benefit of its own wrong, having slept over the matter and failing to raise its grievance within the period of limitation prescribed under law.

15. Under the circumstances, we do not find any ground for interfering in the order dated 17.09.2024, as passed by the learned Single Judge. As a result thereof, the present Appeal is dismissed.

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

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

August 07, 2025

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Whether speaking/reasoned. : Yes

Whether Reportable. : No