

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

106

CWP-9241-2024

Date of Decision : July 09, 2025

INDERPAL SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Vikas Chatrath, Advocate and
Mr. Abhishek Singla, Advocate
for the respondent No.3.

Mr. Madhur Singh, Advocate
for the respondents No.2 and 4.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition encloses challenge to the order dated 01.03.2024, whereby, the respondent No.5 has dismissed the petitioner's appeal on account of delay.

2. In the case at hand, initially the petitioner was served with a provisional assessment notice dated 13.10.2023 and after affording him opportunity of personal hearing by filing objections, the final assessment order was drawn on 14.11.2023. This caused grievance to the petitioner and propelled him to file the statutory appeal under Section 127 of the Electricity Act, 2003, however, the same was not adjudicated on merits, rather was dismissed, vide order dated 01.03.2024, on account of delay.

Therefore, now the orders (supra) have been put to legal scrutiny of this

Court through institution of the instant writ petition.

3. Upon notice, a short written statement dated 05.07.2025 has been filed on behalf of the respondents No.2 and 4, which is taken on record. The written statement reveals that, during pendency of the instant writ petition, the distribution licensee re-examined the entire issue on the application preferred by the petitioner and it was found that, the petitioner had already applied for increase of the sanctioned load in the year 2021 and upon request of the petitioner, his entire account was overhauled. The relevant paragraphs of the written statement is reproduced hereunder:-

“9. That it is humbly submitted that the Petitioner subsequently brought into notice of the answering Respondent that he had already applied for increase of the sanctioned load somewhere in the year 2021. Upon the request of the Petitioner, the concerned account of the Petitioner was checked and it was discovered that the consumer had applied for increase in sanctioned load from 17.842 kw/19.824 K.V.A to 39.961 kw/40 K.V.A on 17.03.2021. For the same, the consumer had deposited the ACD/SCC charges amounting to Rs.64,740/- on 24.03.2021.

10. That the entire miscommunication arised from the fact that the load of the consumer was not increased in the SAP system of P.S.P.C.L. Therefore, at the time when premises of the consumer was inspected, the SAP system was not showing the relevant entries which could make the audit officer believe that the sanctioned load of the consumer already stands increased and consequent thereupon, inadvertently initiated the proceedings for Unauthorized Use of Electricity under Section 126 of the Electricity Act.

11. That in order to meet the ends of justice the answering Respondents have updated the sanctioned load for the electric connection allotted to Petitioner to 39.931kw / 40kva. The penalty amount inclusive of interest and surcharge as charged from the Petitioner has been refunded back in his electricity Account

bearing No.3005168713 through S.C.A NO 88/41/R-707 dated 24.03.2025. The refundable amount i.e. Penalty Amount (Rs.7,41,298/- + interest and surcharge Rs. 1,16,248/-) Total Rs. (-) 8,57,546/- has been adjusted in the electricity Account No.3005168713 of the Petitioner. For the sake of convenience the copy of Account details is attached alongwith as Annexure R1.”

4. In view of the above, since the provisional assessment order stands corrected, the cause of action does not survive. Hence, the instant writ petition is **dismissed**.

July 09, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No