



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

120

CWP-5539-2025.

Date of Decision: 02.04.2025.

Punjab State Power Corporation Ltd. and another

....Petitioners.

VERSUS

National Consumer Disputes Redressal Commission and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Pratap Singh Gill, Advocate
for the petitioners.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioners have challenged order dated 01.04.2024 (Annexure P-2) passed by State Consumer Disputes Redressal Commission, Punjab, Chandigarh, (for short, 'State Commission'), whereby the appeal preferred by the petitioners against the order dated 26.05.2022 (Annexure P-5) passed by District Consumer Disputes Redressal Commission, Bathinda (for short, 'District Commission') was dismissed on the ground of delay and laches. They have also challenged the order dated 06.11.2024 (Annexure P-1) passed by National Consumer Disputes Redressal Commission, New Delhi (for short, 'National Commission'), whereby the revision petition preferred

against the order of the State Commission was also dismissed on the similar ground of delay and laches.

2. Learned counsel for the petitioners submits that there was a delay of 195 days in preferring the appeal, while a delay of 92 days occurred in filing the revision petition, which was due to the fact that the file was processed at several official levels and a decision had to be taken for filing the appeal and revision petition.

3. Heard.

4. The respondent No.3/complainant, who is stated to be a farmer had applied for an electricity connection for a tubewell to the petitioner-Corporation under the scheme, which was applicable for the farmers holding agricultural land within 2.5 to 5 acres. The respondent No.3/complainant is stated to have filed a copy of the *Jamabandi* along with his application indicating his land holding. The petitioner-Corporation had rejected the case of respondent No.3/ complainant for release of the tubewell connection under this scheme on the ground that he had not filed an undertaking along with the application to the effect that he owns land which falls within 2.5 to 5 acres. The complaint preferred by respondent No.3/complainant had been allowed by the District Commission on the ground that the respondent No.3/complainant had preferred the application along with a copy of the *Jamabandi* before the last date for doing so and the petitioner-Corporation had not pointed out any infirmity in the application nor had given him an opportunity of filing any other documents, which would be required for processing his application under the scheme. The petitioners had preferred an

appeal against the order of the District Commission after a delay of 195 days, which was dismissed by the State Commission on the ground of delay and laches as the petitioners had not been able to make out sufficient cause for condonation of delay. Similarly, the revision petition preferred by the petitioners, which was barred by 92 days, had also been dismissed by the National Commission.

5. In the afore-noted facts and circumstances, we are of the considered view that the petitioners had not been able to make out sufficient cause for condonation of delay. The explanation, which has been set out before the State Commission and the National Commission, that the file was processed at several levels, is not sufficient to condone the delay. The petitioners ought to have been vigilant in pursuing the litigation. The bald and vague averment that the file was dealt with at various levels is inadequate to condone the delay in filing at both the forums.

6. Furthermore, it would not be equitable while exercising writ jurisdiction to interfere in the orders of the State Commission and the National Commission for the reason that respondent No.3/complainant is a small farmer and there is no dispute that he has the land holding, which falls within the bracket of 2.5 to 5 acres, to hold him eligible for being issued an electricity connection for a tubewell on priority on the basis of the scheme, which was in force when he had preferred the application. The respondent No.3/ complainant had attached a copy of the *Jamabandi* in support of his stand that he has the land holding falling within the category as stipulated in the scheme.

7. Consequently, we do not find any illegality in the impugned orders warranting interference by this Court in the writ jurisdiction. The petition being devoid of merit is dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

02.04.2025
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No