



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

CWP-24575-2023

Date of Decision : 12.03.2025

INDRAPRASTHA GAS LTD

.....Petitioners

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sapan Dhir, Advocate,
for the petitioner.

Mr. Arvind Seth, Advocate,
for respondent no.1-DHBVNL.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, challenge is thrown to the order dated 25.08.2023 (Annexure P-11), passed by respondent no.2-Consumer Grievances Redressal Forum concerned, as well as the demand of Rs.97,51,464/-, raised by respondent no.1- DHBVNL, vide impugned letter dated 14.03.2023 (Annexure P-2).

2. Before filing of the instant writ petition, the petitioner had availed the remedy of statutory appeal before learned Electricity Ombudsman concerned (respondent no.3), however, non-decision on the same by the latter concerned, propelled the petitioner to file the instant petition.

3. During the pendency of the instant petition, learned Electricity Ombudsman concerned (respondent no.3), passed the order on dated 23.01.2024, which was also challenged by amending the instant writ petition.

4. Learned counsel for the petitioner submits that learned Electricity Ombudsman concerned (respondent no.3), ought to have decided the issue on merits, however, on account of the pendency of instant writ petition, the statutory appeal was dismissed.

5. He further submits that there is no adjudication of the statutory appeal on merits by the learned Electricity Ombudsman concerned (respondent no.3).

6. Learned counsel for respondent no.1-DHBVNL, also submits that learned Electricity Ombudsman concerned (respondent no.3), should have decided the issue on merits instead of dismissing the petition, taking the ground of pendency of the instant writ petition.

7. In view of the consensus arrived between the contesting parties concerned, this Court deems it fit and appropriate, at this stage, to refrain itself to adjudicate the legality of the order passed by respondent no.2- Consumer Grievances Redressal Forum, and pass a *mandamus* upon the learned Electricity Ombudsman concerned (respondent no.3), to decide the appeal, as filed by the present petitioner, on its own merits, by passing a speaking order. *In summa* the order dated 23.01.2024, passed by the Ombudsman is set aside.

8. The learned Electricity Ombudsman concerned (respondent no.3), is directed to decide the appeal afresh, filed by the petitioner within

a period of 03 months from the date of receipt of a certified copy of this order.

9. At this stage, learned counsel for the petitioner submits that petitioner's another grievance with regard to the disconnection of the electricity connection, as petitioner is running its project, since the last two years on the generator set, therefore, he seeks a *mandamus* upon respondent no.1-DHBVNL, to provide them with the temporary electricity connection till the adjudication of the instant dispute.

10. Considering the above submission, this Court deems it fit and appropriate to relegate the present petitioner to learned Electricity Ombudsman concerned (respondent no.3), for seeking interim relief by filing an apt application.

11. In case the petitioner moves an application, for temporary connection, before learned Electricity Ombudsman concerned (respondent no.3) during the pendency of the appeal, within 07 days from today, the latter concerned, shall be decided such application within 15 days, thereafter.

12. **Disposed of** accordingly.

March 12, 2025
dhaaramvir

(KULDEEP TIWARI)
JUDGE

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