
(1998) 09 P&H CK 0146

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11537 of 1994 and Civil Miscellaneous No. 16656 of 1998

A.K. Alloys Private Ltd.

APPELLANT

Vs

Punjab State Electricity Board and Others

RESPONDENT

Date of Decision : 02-09-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 121 PLR 42 : (1998) 4 RCR(Civil) 512

Hon'ble Judges : V.K. Jhanji, J

Bench : Single Bench

Advocate : J.S. Toor, Inderjit Malhotra and A.K. Jain, for the Appellant; D.S. Brar, for the Respondent

Judgement

V.K. Jhanji, J.—At the request of counsel for the parties, the writ petition is taken on Board for final disposal.

2. In this writ petition, petitioner is seeking a writ in the nature of certiorari quashing Memo No. 25340 dated 8.8.1995 requiring the petitioner to give consent to receive supply on 66 K.V. Supply System or in the alternative to pay 17.5 per cent extra tariff. A direction is also sought directing the respondents to release connection to the petitioner against his original requisition dated 9.9.1992 revived by Circular No. 3/95 for setting up of induction furnace. By way of Civil Misc. No. 16656 of 1998, petitioner is seeking a direction to the respondents not to disconnect the connection granted to the petitioner as per undertaking given on 20.2.1997 whereby petitioner had undertaken to pay 17.5 per cent surcharge.

3. It is not in dispute that the Disputes Settlement Committee has been constituted by the Board and the matter raised in the writ petition as also CM. No. 16656 of 1998 can be settled and decided by the Disputes Settlement Committee. In the case of Punjab State Electricity Board and Another Vs. Ashwani Kumar, , their Lordships of the Supreme Court have taken note of

various circulars issued from time to time by the Board providing for settlement of disputes by the Member, Technical and Disputes Settlement Committee. In this context, reference may also made to decision rendered in Civil Writ Petition No. 2189 of 1998 on 19.8.1998 (RESS Castings Pvt. Ltd. v. P.S.E.B. and Ors.).

4. Learned counsel appearing on behalf of the petitioner states that the petitioner has no objection to go to the Disputes Settlement Committee provided the said Committee permits the petitioner to put forth all arguments in support of its case and the objections raised in regard to recovery sought from the petitioner and the Disputes Settlement Committee is directed to pass speaking orders on the claim/objections filed by the petitioner.

5. Mr. D.S. Brar, Advocate, appearing on behalf of the Board has also contended that Disputes Settlement Committee is competent to settle all disputes. He has further stated that the Board shall not raise any objection in regard to limitation in case objections/claim against the demand raised are filed within one month from today.

6. In view of the submissions made by the learned counsel for the parties, this writ petition is disposed of with a direction to the respondents that in case claim/objections in regard to the matter raised in the writ petition as well as CM. No. 16656 of 1998 are filed before the Disputes Settlement Committee within one month from today, the same shall be considered and decided by the Disputes Settlement Committee by passing a speaking order within three months from the date of filing of the claim/objections. If so desired petitioner shall be afforded an opportunity of hearing or leading evidence in support of its claim/objection.

7. Till such time the matter is finally decided by the Disputes Settlement Committee by passing a speaking order as directed, respondents shall not disconnect the connection granted to the petitioner provided petitioner furnishes security to the satisfaction of Disputes Settlement Committee within one month of submission of claim/objections by petitioner.

8. With the aforesaid directions, the writ petition stands disposed of.