

CWP No. 19349 of 2017

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Punjab State Power Corporation Ltd Vs. Patran Transmission Company Ltd and ors.

Present: Mr. Atul Nanda, Advocate General, Punjab
with Mr. Tushar Sharma, Advocate
for the petitioner.

Punjab State Power Corporation has approached this court with a prayer for issuance of a writ in the nature of certiorari for quashing of notice dated 23.8.2017 Annexure P/5 sent by respondent No.1 requesting respondent No.3 and NTPC not to allow further transmission of electricity to petitioner-Corporation w.e.f 00.00 hours of 29.8.2017. Mr.Nanda submits that in case it is given effect to, it would affect the electricity supply to 20 districts in Punjab. In view of the dire law and order situation prevailing in State of Punjab due to conviction of Dera Sacha Sauda head, serious problem shall be created for the administration if the State plunges into darkness. He, however, admits that appeal has already been filed before Appellate Tribunal at New Delhi, which is likely to be heard soon. According to him, there are substantial questions of law involved in the appeal as the Corporation has been meeting its liabilities and duly paying necessary charges to the Transmission Company, towards payment for transmission. The charges for supply should be sought from all 23 beneficiaries and not from PSPCL alone. According to him, the Transmission Service Agreement between the Corporation and Patran Transmission Company has not been violated in any manner.

This court feels that matter can be adjudicated upon by the

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Appellate Tribunal. However, keeping in view the urgency of the issue involved, likely disconnection of electricity and to prevent disruption of essential services, this court intends to interfere only on the limited issue of un-interrupted supply of electricity to State of Punjab.

Notice of motion for 11.9.2017.

Meanwhile, respondent Nos. 3 & 5 would not disconnect the electricity being supplied to the petitioner-Corporation on the basis of request received from Patran Transmission Company subject to the condition that petitioner-Corporation furnishes adequate security in an amount of Rs.10 crores to the satisfaction of respondent No.3 (Northern Regional Load Despatch Centre, New Delhi through its General Manager) within a week. This order shall enure till the next date of hearing.

A copy of this order be handed over to learned State counsel under the signatures of Bench Secretary.

(Rajan Gupta)
Judge

28.8.2017
BB