

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP No.9611 of 2026****Date of decision: 22.04.2026****Concord Hospitality Private Limited****.... Petitioner****Vs.****Punjab State Transmission Corporation Limited and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Sukhmandeep Singh, Advocate,
for the petitioner.

Mr. Maninder Singh, Senior Advocate, with
Ms. Priyanka Dhillon, Advocate,
Mr. Rajpal Singh Kalra, Advocate, and
Ms. Mehak Kanwar, Advocate,
for respondents No.2 to 4.

KULDEEP TIWARI, J (Oral)

1. Unauthorized use of electricity by the petitioner came to light during an inspection carried out by a committee comprising the Addl. SE/Enforcement-cum-EA & MMTS-1, PSPCL, Amritsar; Addl. SE/Suburban Division, PSPCL, Amritsar; and Addl. SE/Division, PSPCL, Ajnala, along with the Assistant Executive Engineer (Op.), PSPCL Sub-Division, Harsha Chhina. The inspection was conducted pursuant to a complaint received from the office of the CMD, PSPCL, Patiala, which culminated in the issuance of a provisional assessment order dated 29.05.2025 (Annexure P-6). Thereafter, upon affording the petitioner an opportunity of hearing, the matter was finalized by passing a final assessment order dated 24.09.2025 (Annexure P-6). Aggrieved, the petitioner challenged both the provisional and final assessment orders by filing an appeal under Section 127 of the Electricity Act, 2003 (for short, "the Act"); however, the same was dismissed vide impugned order dated 20.02.2026 (Annexure P-18). The petitioner has now assailed the said orders by way of the present petition, seeking issuance of a writ of certiorari for setting aside the orders (supra).

2. In an earnest attempt to assail the legality of the aforesaid orders, learned counsel for the petitioner submits that the respondent-Corporation never conducted any assessment of the running electricity load of the flats/kothis/shops, etc. He further contends that, even assuming electricity was being supplied to



certain flats/hostels through the LT line connected with the petitioner's meter, such supply would fall within the DS tariff category; however, the same has been wrongly treated under the NRS category. It is further submitted that the allegation of supply of electricity to other buildings is wholly unsubstantiated and has not been duly considered by the learned Appellate Authority. Elaborating on this aspect, learned counsel submits that there is no material on record to establish that any hostel is being run by IIM Amritsar. In fact, in none of the Load Checking Reports (LCRs) has any official recorded the statements of persons allegedly residing in the said kothis/shops/flats/hostels. Learned counsel further contends that specific objections were raised to the effect that, in terms of the provisions of the Electricity Supply Code and the Electricity Supply Instructions Manual (ESIM), the allegations, even if accepted, does not fall within the ambit of "unauthorized use of electricity." Finally, he argued that the respondent-Corporation has erroneously invoked Section 126 of the Act.

3. Before advert to the submissions advanced by learned counsel for the petitioner, it is necessary to briefly advert to the factual matrix of the present case. The respondent-Corporation received a complaint from the office of the CMD, PSPCL, Patiala, alleging unauthorized supply of electricity to Park Inn Hotel and to a colony situated behind it, comprising flats/cottages/shops, stated to be owned by M/s Concord Hospitality Private Limited and allegedly being used as a hostel for IIM Amritsar. Pursuant thereto, a checking Committee headed by the Addl. SE/Enforcement-cum-EA & MMTS-1, along with other senior officers, was constituted. An Enforcement Checking Report (ECR) was prepared on 01.02.2024, 06.05.2024 and 18.07.2024, and the checking team directed a representative of the petitioner to furnish relevant documents within three days. Simultaneously, instructions were issued to the Assistant Executive Engineer (Operation) to obtain the said documents, place them before the Committee, and assess the running load of the colony situated behind the said hotel, along with that of the hotel itself. Subsequently, load checking of the premises was conducted on 06.05.2024, and a Load Checking Report (LCR) was prepared, wherein it was observed that the electricity connection of M/s Concord Hospitality Private Limited was being utilized for both Hotel Park Inn, and the colony behind it. The total connected load of Hotel Park Inn was assessed at 990.39 KW. It was further noted that a residential colony, namely "Blessing City," had been developed over approximately 17 acres behind the hotel. As per the approved layout plan, M/s Regent Land Holding Private Limited, the developer, had carved out 239



residential plots. An NOC with a proposed load of 1255 KW/1395 KVA had earlier been issued in favour of the said developer in 2018; however, owing to non-fulfilment of its conditions, the NOC stood exhausted and no electricity connectivity was granted to the colony. The site inspection further revealed that the electricity supply to the residential units in Blessing City was being drawn from the LT side of a 1600 KVA transformer installed for the connection of M/s Concord Hospitality Private Limited. The connected load of the residential houses/flats/shops was also assessed. A subsequent inspection conducted on 18.07.2024 at the premises of M/s Concord Hospitality Private Limited revealed that the hotel and the IIM flats/hostel/shops constituted separate establishments; however, the latter were connected through the LT line from the outgoing side of the petitioner's meter. While M/s Concord Hospitality Private Limited was being billed under the DPC tariff, the IIM flats/hostel/shops, as per the Corporation's instructions, fell under the permanent DS tariff category. On the basis of the aforesaid inspection reports, the Assistant Executive Engineer (Operation), vide order dated 29.07.2024, directed the petitioner to disconnect the load pertaining to the flats/cottages/shops; however, the petitioner failed to comply. Consequently, in terms of Regulation 36 of the Supply Code, 2014 and Regulation 48 of the Supply Code, 2024, a case of unauthorized use of electricity under Section 126 of the Electricity Act, 2003 was made out. Thereafter, a provisional assessment order dated 29.05.2025 was issued, which was challenged by the petitioner. After affording an opportunity of personal hearing, the competent authority passed a final assessment order dated 24.09.2025. The statutory appeal preferred by the petitioner against both the provisional and final assessment orders also came to be dismissed vide the impugned order.

4. As regards the contention raised by learned counsel for the petitioner that there is no evidence of supply of electricity to other residential/commercial buildings, the same stands belied by the fact that M/s Blessing Service Apartments Private Limited, on behalf of the petitioner, deposited the following amounts:

1. 50% of the assessed amount, i.e. Rs.41,16,000/- deposited with PSPCL vide HDFC Bank Demand Draft NO.033597 dated 16.10.2025.
2. Appeal fee along with GST @ 18%, amounting to Rs.48,565/- deposited with PSTCL vide HDFC Bank Demand Draft No.033633 dated 10.11.2025.



5. This aspect was duly noted by the learned Appellate Authority, and no plausible explanation was furnished as to why a separate entity deposited the statutory amount; rather, it lends credence to the conclusion that electricity was being unauthorizedly supplied to the premises of another company. Further, documents evidencing confirmation from IIM Amritsar regarding payment of electricity charges for the hostel situated at Blessing City, on the basis of the electricity connection and bills of M/s Concord Hospitality Private Limited, were supplied to the petitioner by the Appellate Authority. Despite being afforded an opportunity, the petitioner failed to file any rebuttal thereto, which further reinforces the finding of unauthorized sale of electricity. As regards the plea concerning the NRS/DS tariff category, the same has already been considered and dealt with by the Appellate Authority. The relevant extract thereof is reproduced hereinbelow

“Similarly, as per record produced before undersigned, the connection in question (i.e., A/c no. 3007508575) has been provided for NRS category under NRS>100KW tariff category, but during checking appellant has also been found using his connection for domestic category (DS>100KW) and NRS Category (NRS<100KW) on the basis of Load detected in the other premises mentioned supra. The premises to which supply was extended was to be given authorised connectivity under regulation 6.7 of the Supply Code-2014 where the condition lies that NOC has to be taken from competent authority and development of LD system is to be done as per this regulation. The NOC had been issued by PSPCL to the developers of Blessing City (i.e., M/s Regent Land Holdings Pvt. Ltd.) and same has been lapsed. Therefore, the violation of regulation 36(d) is also established.

Appellant did not adhere to the instructions issued to him after checking to disconnect the supply given out of his authorised premises to the flats/cottages and shops of Blessing City, but he did not comply this instructions whereas it is mandatory for the appellant to comply with the instruction otherwise face the consequences under the regulation 36 of Supply code 2014.”

6. Further, the petitioner has not disconnected the connection of the attached building despite specific direction issued by the Assistant Executive Engineer (Operation) concerned. These were found to be sufficient grounds by the



appellate authority to hold that it is a case of unauthorized use of electricity. The petitioner is unable to satisfy this Court as to whether any error has been committed in assessing the amount of Rs.82,31,342/-.

7. The scope of the Certiorari jurisdiction is very limited. The Court cannot assume itself as an appellate authority when the legality of the *quasi-judicial* order is to be assessed. Hon'ble the Supreme Court in ***General Manager, Electrical Rengali Hydro Electric Project, Orissa and others vs. Sri Giridhari Sahu and others, 2019 (10) SCC 695***, has clearly held that once the decision is rendered by the body amenable to Certiorari jurisdiction, certiorari could be issued when jurisdictional error is clearly established. The relevant is extracted herein below:

“20. Since, applicants contend that the findings of fact by the Labour Court are virtually unassailable in the Certiorari jurisdiction and the argument has been found appealing and accepted by the High Court, it is necessary to deal with the same.

21. An erroneous decision in respect of a matter which falls within the authority of the Tribunal would not entitle a writ applicant for a writ of certiorari. However, if the decision relates to anything collateral to the merit, an erroneous decision upon which, would affect its jurisdiction, a writ of certiorari would lie. See Parry & Co. Ltd. vs. Commercial Employees Association AIR 1952 SC 179. The scope of writ of certiorari came in for an elaborate consideration by this Court in T.C. Basappa v. T. Nagappa a2. Therein, this Court, inter alia, held as follows:

“7. ... The second essential feature of a writ of certiorari is that the control which is exercised through it over judicial or quasi-judicial tribunals or bodies is not in an appellate but supervisory capacity. In granting a writ of certiorari the superior court does not exercise the powers of an appellate tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The offending order or proceeding so to say is put out of the way as one which should not be used to the detriment of any



person [Vide Per Lord Cairns in Walshall's Overseers v. London and North Western Railway Co., (1879) 4 AC 30, 39.].

xxx xxx xxx

9. Certiorari may lie and is generally granted when a court has acted without or in excess of its jurisdiction. The want of jurisdiction may arise from the nature of the subject-matter of the proceeding or from the absence of some preliminary proceeding or the court itself may not be legally constituted or suffer from certain disability by reason of extraneous circumstances [Vide Halsbury, 2nd Edn., Vol. IX, p. 880]. When the jurisdiction of the court depends upon the existence of some collateral fact, it is well settled that the court cannot by a wrong decision of the fact give it jurisdiction which it would not otherwise possess [Vide Banbury v. Fuller, 9 Exch. 111; R v. Income Tax Special Purposes Commissioners, 21 QBD 313]. 10. A tribunal may be competent to enter upon an enquiry but in making the enquiry it may act in flagrant disregard of the rules of procedure or where no particular procedure is prescribed, it may violate the principles of natural justice. A writ of certiorari may be available in such cases. An error in the decision or determination itself may also be amenable to a writ of certiorari but it must be a manifest error apparent on the face of the proceedings, e.g. when it is based on clear ignorance or disregard of the provisions of law. ...”

(Emphasis supplied)

22. xxx xxx xxx

23. The question arose in Dharangadhara Chemical Works Ltd. v. State of Saurashtra and others. The question was whether the finding by the Tribunal under the Act about the party respondents being workmen was liable to be interfered with. After dealing with various tests relating to determining the issue, this Court also made the following observations:

“19. ... It is equally well settled that the decision of the Tribunal on a question of fact which it has jurisdiction to



determine is not liable to be questioned in proceedings under Article 226 of the Constitution unless at the least it is shown to be fully unsupported by evidence.”

(Emphasis supplied)

24. xxx xxx xxx

25. We may more importantly also advert to the view expressed by this Court in a matter which again arose under the Act in *M/s. Perry and Co. Ltd. v. P.C. Pal*, Judge of the Second Industrial Tribunal, Calcutta and others. It was a case related to the scope of the jurisdiction of the Tribunal in the matter of retrenchment under Section 25F. This is what the Court held inter alia:

“11. The grounds on which interference by the High Court is available in such writ petitions have by now been well established. In Basappa v. Nagappa [(1955) SCR 250] it was observed that a writ of certiorari is generally granted when a court has acted without or in excess of its jurisdiction. It is available in those cases where a tribunal, though competent to enter upon an enquiry, acts in flagrant disregard of the rules of procedure or violates the principles of natural justice where no particular procedure is prescribed. But a mere wrong decision cannot be corrected by a writ of certiorari as that would be using it as the cloak of an appeal in disguise but a manifest error apparent on the face of the proceedings based on a clear ignorance or disregard of the provisions of law or absence of or excess of jurisdiction, when shown, can be so corrected. In Dharangadhara Chemical Works Ltd. v. State of Saurashtra [(1957) SCR 152] this Court once again observed that where the Tribunal having jurisdiction to decide a question comes to a finding of fact, such a finding is not open to question under Article 226 unless it could be shown to be wholly unwarranted by the evidence. Likewise, in State of Andhra Pradesh v. S. Sree Ram Rao [AIR 1963 S.C. 1723] this Court observed that where the Tribunal has disabled itself from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or where its conclusion



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on the very face of it is so wholly arbitrary and capricious that no reasonable person can ever have arrived at that conclusion interference under Article 226 would be justified. ...”

(Emphasis supplied)

8. The petitioner has failed to demonstrate any perversity or illegality in the impugned order so as to warrant interference by this Court with the well-reasoned decision rendered by the learned Appellate Authority. Furthermore, the final assessment order has been passed in due compliance with the principles of natural justice, after affording the petitioner an adequate opportunity of hearing and duly considering the submissions advanced on its behalf.

9. No perversity or illegality is discernible in the well-reasoned order (*supra*) passed by the learned appellate authority concerned, warranting interference by this Court.

10. **Dismissed.**

(KULDEEP TIWARI)
JUDGE

22.04.2026

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No