



CWP-4732-2026

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CWP-4732-2026

Date of Decision: 20.03.2026

M/s Ambey Industries

...Petitioner

Versus

Punjab State Power Corporation Limited (PSPCL) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Aditya Grover, Advocate for the petitioner

Mr. Tarun Aggarwal, Advocate for respondent Nos.1 to 5

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution is seeking setting aside of order dated 22.12.2025 whereby Punjab State Electricity Regulatory Commission (for short '**Commission**') has rejected its petition.

2. The petitioner preferred petition before Commission against release of connection to respondent No.6 by tapping existing dedicated 66 KV Line set up at its cost at the time of seeking electricity connection from Punjab State Power Corporation Limited ('**PSPCL**') in 2022. The Commission by impugned order has rejected its claim on the ground that respondent No.6's feasibility report was accepted under Supply Code, 2014 (for short '**2014 Code**'). Tapping of 66 KV Line was permissible under 2014 Code. The petitioner cannot claim that supply should not be made to any other consumer.



CWP-4732-2026

-2-

3. As per petitioner, the impugned order has been passed without jurisdiction because Member Judicial of Commission was not available still impugned order in violation of judgment of Hon'ble Supreme Court in ***State of Gujarat and others v. Utility Users' Welfare Association and others, (2018) 6 SCC 21*** has been passed. The official respondents are trying to favour respondent No.6. Demand notice to respondent No.6 was issued on 09.05.2024. It was valid for 6 months and maximum two extensions of three months each could be granted. Respondent No.6 satisfied demand notice on 05.02.2025 and PSPCL was required to render connection within 90 days from the date of satisfaction of demand notice. Thus, PSPCL was required to release connection by 05.05.2025.

4. Learned counsel for the petitioner submits that as per judgment of Hon'ble Supreme Court in ***Utility Users' Welfare Association (supra)***, Commission constituted under Sections 82 read with 84 of Electricity Act, 2003 is not required to have Judge of a High Court as Chairman, however, there must always be Member Judicial while adjudicating the matter. He further submits that at the time of passing impugned order, Member Judicial was not available, however, at present is available.

5. Learned State counsel expressed his inability to controvert aforesaid statement that at present Member Judicial is available and at the time of passing impugned order, he was not available.

6. On being asked, learned counsel for respondent Nos.1 to 5 expressed his inability to controvert mandate of Hon'ble Supreme Court in afore-cited judgment.

7. Heard the arguments and perused the record.

8. The findings recorded by Commission read as:



“The Commission has carefully gone through the averments made by the petitioner and PSPCL. The moot points relevant for adjudication in the instant petition are-whether for the release of connection to M/s. Lord Mahavir Industries Pvt. Ltd. by tapping 66 kV line is permissible and whether the release of electricity connection rendered to the petitioner against the feasibility clearance dated 09.04.2021 was on dedicated line.

Regarding tapping of the line, it is noted that the feasibility clearance to release the connection to M/s. Lord Mahavir Industries by tapping an existing 66 kV line was given on 15.12.2023 and the demand notice was issued on 09.05.2024 well before the commencement of the operation of the Supply Code, 2024. In fact, the above mentioned dates have been confirmed by the petitioner himself. Thus, the release of connection to M/s Lord Mahavir Industries is governed by the provisions of Supply Code, 2014, as amended from time to time. As contended by PSPCL, the extension in demand notice was as per regulations. Thus, the contention of the petitioner regarding applicability of the Supply Code, 2024 for tapping of 66 kV line is not admissible.

Regarding the second issue as to whether the 66 kV line feeding the petitioner is a dedicated line, it is an undisputed fact that the connection of the petitioner was released by tapping of the existing 66 kV idle Aman Alloy line and PSPCL recovered only the proportionate cost of the common portion of the line along with bay.

Moreover, even in case the entire cost of the line including the cost of bay is paid by the consumer, such line can also be tapped to feed another applicant/consumer as specified in Regulation 9.1.1(x) of the Supply Code, 2014 which is reproduced below:

In case, the HT/EHT line (except 11 kV independent feeder under Regulation 9.5) whose entire cost including cost of breaker/bay has been paid by a consumer, is tapped to feed another applicant/consumer, such subsequent applicant shall



pay entire cost of service line up to his premises and proportionate cost of the common portion of the line up to feeding station, including breaker/bay, as per the cost data approved by the Commission.

Further, the Commission notes that the 'dedicated line' as such for voltage level exceeding 11 kV has not been defined in the Supply Code. Nonetheless, the petitioner appears to be nomenclating a line as a dedicated line if the entire cost of the line is paid by the beneficiary which is not the case here. Thus the Commission does not agree with the contention of the petitioner regarding his connection being on a dedicated line. Had the petitioner deposited the entire cost of the line along with bay, he would have been eligible for a refund of the proportionate cost recovered from the subsequent consumer as per Regulation 9.1.1(x) of the Supply Code, 2014. Since the petitioner has not paid the entire cost of the line including the bay, he is also not eligible for any refund of the proportionate cost recovered from the subsequent consumer.

Moreover, it is immaterial as to whether the 66 kV line is catering to the petitioner alone at present or to other consumers also. The distribution licensee is well within its rights to shift the load from one feeder/line or bay to the other as per system requirements.

Thus, having addressed the relevant contentions of the petitioner, the petition is hereby dismissed and as a natural corollary, the directions earlier given vide order dated 21.11.2025 for not energizing the 66 kV line to release connection to M/s. Lord Mahavir Industries stands vacated."

9. Hon'ble Supreme Court in ***Utility Users' Welfare Association (supra)*** has clearly held that it is mandatory that there should be a person of law as a Member of the Commission in any adjudicatory function of the State Commission. Relevant extracts of the judgment read as:

"115. Now applying the test to the aforesaid judgment, the proposition is reversed i.e. "the Chairman need not be a Judicial Member", the fact remains that it



would have no impact on the decision in that case, which was related to *inter alia* the interpretation of Section 86 of the said Act. This, in fact, justifies what we have held *aforesaid qua* the appointment of a Chairperson from the pool of Judges.

XXXX XXXX XXXX XXXX

118. We are, thus, of the view that it is mandatory to have a person of law, as a member of the State Commission. When we say so, it does not imply that any person from the field of law can be picked up. It has to be a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

XXXX XXXX XXXX XXXX

Conclusion

125. In view of our observations above, we conclude as under:

125.1. Section 84(2) of the said Act is only an enabling provision to appoint a High Court Judge as a Chairperson of the State Commission of the said Act and it is not mandatory to do so.

125.2. It is mandatory that there should be a person of law as a Member of the Commission, which requires a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

125.3. That in any adjudicatory function of the State Commission, it is mandatory for a member having the *aforesaid* legal expertise to be a member of the Bench.



125.4. The challenge to the appointment of the Chairman and Member of the Tamil Nadu State Commission is rejected as also the suo motu proceedings carried out by the Commission.”

10. In the wake of afore-cited judgment and statement of learned counsel for the parties, this Court, without commenting upon merits of the case, deems it appropriate to set aside impugned order dated 22.12.2025 with a direction to Commission to pass a fresh order in accordance with law. The parties are at liberty to raise all the issues before Commission.

11. Needless to mention, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case.

(JAGMOHAN BANSAL)
JUDGE

20.03.2026
Mohit Kumar

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