

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.4362 of 2026****Decided on: 2nd April, 2026**-----
Mayfair Biotech Pvt. Ltd......**Petitioner****Versus**H.P. State Electricity Board Limited
and others.....**Respondents**
-----**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**For the Petitioner: Mr. Tara Singh Chauhan, Senior
Advocate with Mr. Skandh Sharma,
Advocate.For the Respondents: Ms. Sunita Sharma, Senior Advocate
with Mr. Abhishek Rana, Advocate.-----
Jyotsna Rewal Dua, Judge

Notice. Mr. Abhishek Rana, learned counsel,
accepts notice on behalf of the respondents.

Taking into consideration the grievance raised in
this writ petition, nature of the order impugned herein and
the order being passed hereinafter, reply to the writ petition
is not required from the respondents. The matter has
accordingly been heard at this stage.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



2. Facts:-

2(i). An assessment order was issued on 13.07.2010 against the petitioner under Section 126 of the Indian Electricity Act, (hereinafter referred to as the Act) by respondent No.3. Petitioner availed statutory remedy against the said order by filing an appeal under Section 127 of the Act before the Divisional Commissioner, Kangra Division, Kangra at Dharamshala. The said appeal, bearing No.271 of 2012, was dismissed vide order dated 07.01.2013 (Annexure P-3) for want of non-compliance of statutory provision regarding depositing the fee and $\frac{1}{2}$ of the assessed amount. Thereafter, the respondent-Board issued a notice to the petitioner on 20.02.2013 (Annexure P-4) regarding disconnection of electricity supply.

2(ii). The above order dated 07.01.2013 and the notice dated 20.02.2013 were assailed by the petitioner by way of ***M/S Mayfair Biotech Pvt. Ltd. Versus Himachal Pradesh State Electricity Board Ltd. and others***². The said writ petition was allowed with direction to the petitioner to deposit $\frac{1}{2}$ of the assessed amount and the requisite fees for entertaining Appeal No.271 of 2012 within ten days. It was further ordered that on such deposit,

² CWP No.1209 of 2013, decided on 08.03.2013



Appeal No.271 of 2012 shall be revived in its original position and shall be taken up for expeditious disposal on merits by the Divisional Commissioner, Kangra. Further, the execution of order dated 20.02.2013 was stayed till final disposal of the appeal.

2(iii). In compliance of the directions issued in *M/S Mayfair Biotech Pvt. Ltd.*², the petitioner deposited a sum of Rs.2,86,520/- with the respondents vide receipt dated 18.03.2013 (Annexure P-12).

2(iv). Subsequently, the petitioner-Unit was declared as NPA and was taken over by the Bank under the SARFAESI Act on 04.08.2014. On 16.02.2023, the lien in respect of the petitioner-Unit was removed. Thereafter, No Objection Certificate was also issued by the Bank in favour of the petitioner on 18.04.2023 (Annexure P-8).

2(v). On 18.08.2025, the petitioner filed an application under Section 151 of the Code of Civil Procedure for effective hearing of Appeal No.271 of 2012. The same was dismissed vide order dated 12.03.2026 (Annexure P-10), relevant portion of which reads as under:-

“7. The present appeal can be revived only after the appellant deposits ½ of the updated assessed amount by HPSEBL Mehatpur, so that an order on merit be passed. In a similarly situated matter in CWP No.2647/2026 titled as M/s Spen Formulations Pvt. Ltd. Vs Himachal Pradesh State Electricity Board Ltd.



and others, the Hon'ble High Court of Himachal Pradesh on dated 09-03-2026 has directed the petitioner to deposit updated amount of ½ of the assessed value by HPSEBL that was assessed in 2013 with 6% interest, for the revival of the case under section 127 of the Electricity Regulatory Act 2003.

8. In view of my above discussion and inferences, the appellant is required to deposit 50% of the updated assessed amount (as calculated by Himachal Pradesh State Electricity Board Limited). The deposit must cover the accrued liability of assessed value atleast up to July 2025, just before filing the application dated 08-08-2025 for revival of the appeal under section 127 of the Electricity Regulatory Act 2003. This amount is treated as legitimately due (mandated) to HPSEBL for the time being and an essential pre-requisite condition to entertain an appeal under section 127 of the Electricity Regulatory Act 2003.

Only after making this deposit, the appeal will be considered on merits for final order.”

In the aforesaid circumstances, the petitioner has instituted this writ petition.

3. Heard learned counsel on both sides and considered the case file.

4. The Appellate Authority refused to entertain petitioner's application for restoration of the appeal on the ground that the petitioner was required to deposit 50% of the updated assessed amount. Learned Senior Counsel for the petitioner submits that the petitioner had deposited a sum of Rs.2,86,520/- with the respondents as ½ of the assessed amount vide receipt dated 18.03.2013 (Annexure P-12).



5. Considering the fact that the petitioner had already deposited $\frac{1}{2}$ of the assessed amount, petitioner's appeal before the Divisional Commissioner, Kangra Division, Kangra at Dharamshala shall stand revived. Petitioner shall move a formal application in this regard before the Appellate Authority. In view of deposit of half of the assessed amount by the petitioner, the respondents are directed to restore the electricity connection of the petitioner-Unit within a week from today. Keeping in view that the appeal was initially filed before the Appellate Authority in the year 2012, the said authority shall make an endeavour to dispose of the same as expeditiously as possible, preferably within four months from today.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

April 02, 2026
Mukesh

Jyotsna Rewal Dua
Judge