IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 20939 of 2025

Decided on: 31.12.2025

M/s Lexicon Biotech (India) Ltd. ... Petitioner

Versus

Himachal Pradesh State Electricity Board and another ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Ajay Vaidya, Advocate.

For the respondents : Ms. Sunita Sharma, Senior Advocate with M/s Sugandh Verma and Abhishek Rana, Advocates.

: Mr. Rajat Chauhan, Assistant Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has *inter alia* prayed for the following reliefs:-

> *"i. Quash and set aside the impugned Ann P-5 dated 25.08.2025 issued by the respondents;*
>
> *ii. Direct the Respondents to conduct any inspection regarding tampering allegations strictly compliance with the Himachal Pradesh State Electricity Supply Code, 2009, and only in the presence of the Petitioner or his representative ensuring fair opportunity for representation;*

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

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iii. Restrain the Respondents from recovering the alleged amount of Rs. 16,44,303/-or by adjusting or including it in the Petitioner's future bills during the pendency of the writ petition and further Directing the respondent No.2 or his agents, employees to not to act in furtherance of Ann P-5 or to disconnect the electricity connection till the disposal of the writ petition;"

2. Learned Counsel for the petitioner has submitted that feeling aggrieved by the order passed by the Assessing Authority under Section 126 of the H.P. Electricity Act, 2003, the petitioner has preferred a statutory appeal under Section 127 of the H.P. Electricity Act. His grievance is that despite the fact that the appeal was filed as far back as in the Month of October, 2025, till date, the appeal alongwith an application, praying for interim relief, has not been taken up by the learned Divisional Commissioner.

3. Learned Counsel for the petitioner informed the Court that the appeal was listed before the Divisional Commissioner firstly on 24.11.2025 and thereafter on 08.12.2025, 11.12.2025, 15.12.2025 and 18.12.2025 but the matter was not taken up as the Presiding Officer did not preside over the Court. Learned Counsel submitted that in these circumstances, as the petitioner has no other

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remedy, it has filed this petition, with the prayer that till the appellate Authority passes some order on the application filed by the petitioner praying for interim relief, the interest of the petitioner be protected by this Court.

4. In light of the fact that the petitioner is aggrieved by the non-consideration of its appeal by the Appellate Authority, which for some reason is not presiding over the Court, this petition is disposed of with the direction that no coercive action shall be taken against the petitioner on the basis of final assessment order passed against the petitioner till some appropriate order is passed either in the appeal or on the application that has been filed by the petitioner alongwith the appeal praying for interim relief, by the Appellate Authority.

5. Learned Assistant Advocate General is also directed to bring this fact into the notice of the Chief Secretary to the Government of Himachal Pradesh and apprise him that this Court does not appreciates the Quasi Judicial Authorities not presiding over the Courts to the detriment of the parties, because non-assembling of the Court prejudices the interest of the parties which are before the said Courts. Either the Chief Secretary shall be ensuring that the Authority presides over the office with some consistency or this Court

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will be forced to pass some order to ensure that the parties are not made to suffer like the present petitioner.

Though, this petition is being disposed of but the case is listed on 08.01.2026, seeking response of the Chief Secretary to the Government of Himachal Pradesh on the observation made by this Court in this order. Pending miscellaneous applications, if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

December 30, 2025
(*narender*)

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