

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4173 of 2015 (O&M)
Date of decision: 7.7.2015

Ajit Singh

.. Petitioner

v.

SDO, Punjab State Power Corporation Limited and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. A. S. Manaise, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 17.1.2015, passed by the learned Executing Court, whereby the execution filed by the petitioner was dismissed.

Learned counsel for the petitioner submitted that the petitioner purchased a running Atta Chakki along with electric connection. As the electric connection was not transferred in the name of the petitioner, notice was issued to him for recovery of ₹ 49,689/- as penalty. The same was challenged by filing civil suit, which was decreed on 9.3.2012, while setting aside the notice, however, liberty was given to the respondents to proceed in accordance with law. Immediately thereafter, a fresh notice was issued on 29.5.2012, asking the petitioner to deposit the amount and also get the connection transferred in his name. The same was challenged by filing the execution on the plea that notice even subsequently issued was not in accordance with law. The learned Executing Court dismissed the execution petition.

The submission is that the notice subsequently issued is not in accordance with law. The same being in violation of the judgment and

decree deserved to be set aside.

After hearing learned counsel for the petitioner, I do not find any merit in the present petition. The Civil Court had decreed the suit earlier filed by the petitioner setting aside the demand notice, however, giving liberty to the defendants to proceed afresh in accordance with law. Notice has been issued thereafter. The plea that the same is not in accordance with law has to be considered by the competent court. The Executing Court could not go into the issue of legality of the notice issued to the petitioner after passing of the earlier decree. To examine the legality of the notice, instructions, rules or regulations on the subject have to be considered, which may not be within the scope of the Executing Court.

For the reasons mentioned above, the present petition is dismissed. However, the petitioner, if so advised, may avail of appropriate remedy against the notice in accordance with law.

(Rajesh Bindal)
Judge

7.7.2015
mk