

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4396 of 2014 (O/M)
Date of decision : 25.8.2015

Subhash Industries

..... Revisionist

Versus

Punjab State Power Corporation Limited and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manu K. Bhandari, Advocate, for the revisionist.

Mr. Roshan Lal Sharma, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 30.5.2014 (Annexure-P-8), passed by the learned District Judge, Patiala, wherein while hearing the appeal of the present revisionist against judgment and decree of the lower Court dated 18.3.2014 (Annexure-P-6), whereby the suit of the plaintiff was dismissed and the appellant/revisionist was granted the interim relief by way of staying disconnection of electricity supply on his depositing the entire amount.

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The learned counsel for the revisionist contends that he has already deposited 50% of the disputed amount, which is claimed on account of theft of electricity. Therefore, the order of the learned District Judge, Patiala, directing him to deposit the entire amount is illegal. The learned counsel has sought to draw analogy from the provisions of Section 127 of the Electricity Act, 2003, whereby according to him, in case of appeal against the assessment, only 50% is required to be deposited, whereas according to Section 127 of the Electricity Act, 2003, only 1/3rd of the assessed amount is required to be deposited.

I have heard the learned counsel for the parties and have also carefully gone through the file.

In this case, the plaintiff has lost his case before the lower Court and when the appeal is admitted for hearing, it is prerogative of the appellate Court to decide as to how much of the disputed amount should be ordered to be deposited. This Court would not like to pass any comments on the merits of the case since the matter is sub-judice before the learned District Judge, Patiala. There is no ground to interfere in the impugned order of the learned District Judge, Patiala. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

25.8.2015
sjks