

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 15259 of 2015
Date of Decision: August 12, 2015

M/s Narendera Cold Storage

... Petitioner

Versus

UHBVN Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Madan Gupta, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the checking report dated 06.12.2001 (Annexure P/1), notice dated 07.12.2001 (Annexure P/2) issued by respondent no.2 and order dated 04.06.2015 (Annexure P/13) passed by respondent no.1.

I have heard learned counsel for the petitioner and perused the record.

Earlier the petitioner filed C.W.P. No. 4047 of 2015, which was disposed of vide order dated 09.03.2015 (Annexure P/12) with direction to respondent no.1 to consider and decide the legal notice

dated 28.08.2014. Thereafter, respondent no.1 has passed order dated 04.06.2015 (Annexure P/13).

It need to be noticed that a Co-ordinate Bench of this Court also heard the petitioner at length on 04.08.2015 and passed the following order:-

“Counsel for the petitioner has argued the matter at length but when the Court was not inclined to accept his submissions, he prays for an adjournment to seek instructions as to whether the petitioner would be ready and willing to pay the amount demanded/arrears in installments or not.

Adjourned to 12.08.2015.”

Now, learned counsel for the petitioner submits that petitioner is not in a position to pay the amount of arrears even in installments as sought by respondent no.2 in notice dated 07.12.2001 (Annexure P/2).

Perusal of notice dated 07.12.2001 (Annexure P/2) and order dated 04.06.2015 (Annexure P/13) reveals that the petitioner was indulging in theft of electricity, as a result of which penalty has been imposed.

Learned counsel for the petitioner has argued that since the petitioner was acquitted by learned Judicial Magistrate Ist Class, Yamuna

of theft, then he is entitled to the benefit. Said contention cannot be accepted on the face of it. The criminal and civil proceedings can go hand in hand. In criminal case, the petitioner was acquitted from the charge of theft by giving benefit of doubt. However, civil and quasi-civil proceedings are decided on the basis of preponderance of probabilities. Once the matter has been considered by the authorities, I do not find any illegality or perversity in the orders passed by the authorities.

In view of above, instant writ petition is dismissed.

August 12, 2015
vkd

[Paramjeet Singh]
Judge