

Sr.No.214

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-24742-2013(O&M)

Decided on: **07.12.2015**

Vinay KumarPetitioner

vs.

PSPCL and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. JPS Sidhu, Advocate for the petitioner.

Mr.SP Soi, Advocate for the respondents.

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Mahesh Grover, J

The petitioner had approached this Court against a notice requiring him to deposit the amount and compound the offence pertaining to theft of electricity.

The petitioner has deposited 50% of the amount and, therefore, this Court had granted the interim relief of restraint of disconnection. The petitioner had also preferred an appeal which was dismissed on 14.10.2013. The petitioner has not challenged that order in the present proceedings even though the present writ petition was filed in November 2013 i.e after the order of the Appellate Authority had come into existence.

Since the petitioner has not impugned the said order, he would be precluded from mounting a challenge at this stage particularly when the challenge was available to him when he filed the writ petition but he chose to waive it off. Even after pendency of the petition for more than two years, the petitioner has not even taken any care to amend his petition to incorporate a challenge to the order of the Appellate Authority. As long as the order of the Appellate Authority stands, the grievance of the petitioner cannot be answered.

The writ petition in the present form is, therefore, dismissed leaving the petitioner to his remedies under law.

07.12.2015

(MAHESH GROVER)

JUDGE