

CWP No.23282 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.23282 of 2015
Date of decision:02.11.2015**

Gurjeet Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. C.M. Munjal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is running a marriage palace known as V.S. Palace. He has an electricity connection bearing No.44GC44 0002N. It is pleaded that in September 2009, the meter installed in the said palace was replaced as it had become defective. Thereafter, in April 2010, the meter was again replaced on account of being defective and the petitioner was served with two memos No.238 and 239 dated 08.06.2010 by which he was informed that vide checking report No.227/05 and 05/226, the meter and its body was found tampered with and accordingly an amount of theft of electricity was assessed of ₹2,27,194/- and ₹3,57,433/- respectively and the petitioner was also asked to pay the compounding charges of ₹1,30,000/- in both the memos. The petitioner alleged to have made representation, which was rejected by respondent No.3 vide his order dated 17.02.2011 and was

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served with another two memos No.1598 and 1599 both dated 17.02.2011 and thereafter he received two letters No.340 and 370 dated 08.03.2011 and 15.03.2011 respectively in which it was mentioned that the petitioners' request was considered by respondent No.3 and found that the case of theft has been proved and penalty has rightly been imposed. The petitioner filed a complaint under Section 12 of the Consumer Protection Act, 1986 before the District Consumer Disputes Redressal Forum, Ferozepur, which was allowed on 13.10.2011 but the appeal filed by the respondents before the State Consumer Disputes Redressal Commission, Punjab was allowed on 26.08.2013 on the ground that the District Forum had no jurisdiction to deal with the matter covered under Section 126 of the Electricity Act, 2003 (hereinafter referred to as the "Act"). The petitioner then filed an appeal before the Additional District Judge, Ferozepur under Section 156 of the Act against the order/memos No.238 and 239 dated 08.06.2010 by which the respondents had demanded ₹2,27,194/- and ₹3,57,433/- respectively on account of the alleged theft of electricity. The said appeal was dismissed on 05.05.2015 by the Additional District Judge, Ferozepur with liberty to the petitioner to make a representation as it was found to be the only mode provided in the case of any grievance of the assessment so made by the appropriate authority. It is alleged that after the order of the Additional District Judge, the respondents issued notice of recovery for deposit of ₹2,92,314/-. The petitioner immediately deposited the said amount under protest.

It is argued by the counsel for the petitioner that the

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representation submitted against the recovery has been rejected even without calling the petitioner and without giving an opportunity of hearing but no representation is attached with the record having been made after the decision of the Additional District Judge dated 05.05.2015, rather it appears that the petitioner is relying upon the representation which was decided by respondent No.3 vide order dated 17.02.2011. In case the petitioner is challenging the said order dated 17.02.2011 now by way of this petition filed on 29.10.2015, then it is highly belated and deserves to be dismissed on the ground of delay and laches and if any representation has been made after the order dated 05.05.2015 passed by the Additional District Judge, Ferozepur, then the said representation is neither made part of the petition nor there is any reference of any such representation in the petition. Thus, the petitioner has approached this Court without availing the remedy for which liberty was granted in the order dated 05.05.2015.

In view of the aforesaid facts and circumstances, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

November 02, 2015
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(Rakesh Kumar Jain)
Judge