

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

123

Civil Writ Petition No.3956 of 2015

Date of Decision: March 09, 2015

Kishan Pyari

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL) .

The petitioner through the present writ petition has prayed for quashing of the demand of ₹14,20,792/- raised vide electricity bill dated 29.12.2014 (Annexure P-9) over and above the bill of actual consumption of electricity.

It is the contention of the counsel for the petitioner that earlier a penalty was imposed upon the petitioner, which was challenged by him through a civil suit, which was decreed by the Court of Civil Judge (Junior Division), Faridabad dated 18.12.2001 (Annexure P-1). It was held that memo No.282 dated 14.10.1996 vide which the penalty was imposed upon the petitioner, had been issued illegally, unlawfully and against the principle of natural justice and the petitioner was not liable to pay the penalty amount. A restraint order from disconnecting the power connection installed at the premises of petitioner was also issued. Petitioner in pursuance to the said decree has initiated execution proceedings, in which the respondents have submitted the objections to the execution and has raised the demand, which is now sought to be challenged by the petitioner in the present writ petition.

Counsel for the petitioner contends that the amount, which is demanded by the respondents, which is over and above the actual electricity consumed, cannot sustain as that is surcharge for non-deposit of the amount. In fact, the said amount of penalty, which was imposed upon him had to be refunded to the petitioner for which he has already filed execution proceedings.

In view of the fact that the petitioner has already availed of the remedy of execution of the decree, which is in his favour, no interference in the present writ petition is called for, as by this petition the petitioner is virtually seeking the execution of the decree by way of seeking a finding that the objection raised by the respondent No.1-Nigam to the execution filed by the petitioner is unsustainable. This course cannot be adopted.

In view of the above, finding no merit in the writ petition, the same stands dismissed.

March 09, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**