

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

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Civil Writ Petition No.4950 of 2015

Date of Decision: March 19, 2015

Punjab State Power Corporation Limited and others

...Petitioners

Versus

Satish Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vishal Chaudhri, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court impugning the order dated 16.10.2014 (Annexure P-10) passed by the Appellate Authority, on the ground that the order passed by the said authority, is without application of mind. He further contends that the respondent was using the connection for the purpose of construction for which he was required to take a separate permission/connection and similarly for running a dharam kanta, which is a commercial activity and required him to have a separate commercial connection, which was not availed of by the respondent and, therefore, the order under challenge in the appeal was in accordance with the Regulations issued under Electricity Act.

These contentions of the counsel for the petitioners cannot be accepted in the light of the findings, which have been recorded by the Appellate Authority in its order impugned. It is mentioned that the sanctioned load of the respondent was 35.24 kilowatt for the Atta Chakki. It is also not in dispute that during the checking, it was found that the load,

which was being used was only 14.79 kilowatt, out of which, the water motor, which was switched on for use of construction and the weigh measuring machine (dharam kanta) was found using 3.185 kilowatt electricity. The total came to 14.79 kilowatt electricity being used including the other activities, which were being carried out in the premises. This was less than the sanctioned load of the respondent and, therefore, it is not covered under the unauthorized use of electricity nor was it a case of electricity theft. In fact, the Senior Executive Engineer, Distribution Division, Malout and the officers of Electricity Board had accepted the fact that it was not a case where the action was maintainable under Section 126 of the Electricity Act. Reference has also been made to Section 7, para 101.1, sub para B of the Electricity Supply Instructions Manual, according to which the irregularity, if any, was to be informed to the consumer within a period of 48 hours, whereas in the present case, the same was conveyed and sent to the respondent after a period of approximately two years from the date of conducting of the raid. All this clearly indicates that the action of the petitioners has been found to be not in accordance with the Regulations. The plea regarding taking a separate connection has also been dealt with therein.

The findings, which have been recorded by the Appellate Authority being in accordance with the statutory requirements, no interference in the said impugned order is called for.

The writ petition, therefore, stands dismissed.

March 19, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**