

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

**RSA No.3331 of 2009(O&M)
Date of Decision: 20.04.2015**

Uttari Haryana Bijli Vitran Nigam Ltd. & anr.

... Appellants

Versus

M/s Durga Ice Factory & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mohnish Sharma, Advocate,
for the appellants.

Mr. Sandeep Lather, Advocate,
for respondents No.1 to 3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The appellate Court reduced the recovery amount from Rs.6,05,428/- to Rs.2,04,788/- against the plaintiff/respondents towards charges on consumption of electricity. If there was a defect in the electricity meter then the appellants did not get it tested by the competent authority to certify that the meter was a defective one for the period in question and, therefore, no malpractice can be attributed to the consumer. This appeal is for setting aside the orders of the Courts below and for restoration of the amount of penalty imposed by the electricity supplier-Nigam. Both the Courts below have relied upon various judgments and past precedents to hold that the demand was illegal by recording findings of fact that the meter was not manipulated to cheat the supplier. Besides, the penalty was imposed by violating the principles of natural justice inasmuch as the consumer was not heard when the penalty was imposed for alleged theft of

electricity. Even the checking report of the vigilance staff did not speak for the Nigam and I have no reason to come to a different conclusion or change of opinion either on facts or law for the one taken by the Courts below after appreciating the evidence on record. No question of law, much less a substantial one, arises in this appeal warranting admission of the matter. Accordingly, the appeal fails and is dismissed. However, with no orders as to costs.

20.04.2015
monika

(RAJIV NARAIN RAINA)
JUDGE