

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 9185-C of 2013 in/and
RSA No. 3419 of 2013 (O/M)
Date of decision : 19.11.2015

Dakshin Haryana Bijli Vitran Nigam Limited Appellant

Versus

M/s Modern Stamping Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. C.S. Singh, Advocate, for,
Mr. Gaurav Singh Hooda, Advocate,
for the applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

CM No. 9185-C of 2013

This is an application for condonation of delay of 133 days in filing the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of Kuldip Singh Mehra, Asstt. Executive Engineer, Maruti Sub Division, DHBVN, Gurgaon, the delay of 133 days in filing the present appeal is condoned.

Application is accordingly disposed of.

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Main case

Impugned in the present regular second appeal is the judgment and decree dated 18.10.2012, passed by the learned District Judge, Gurgaon, affirming the judgment and decree dated 12.5.2012, passed by the learned Civil Judge (Junior Division), Gurgaon, vide which the suit of the plaintiff for declaration with consequential relief of mandatory injunction, was decreed to the effect that the notice dated 26.2.2007, imposing penalty of Rs. 2,85,739/- on the plaintiff on account of short assessment, was declared illegal and the same was set aside and defendant (appellant herein) was restrained from recovering the said amount. The defendant/appellant was also restrained from dis-connecting the electricity connection installed in the premises of the plaintiff. However, the defendant/appellant was given liberty to decide the matter afresh after getting the meter in question checked.

I have heard the learned counsel for the appellant and have also carefully gone through the file.

It comes out that the lower Court had held that the penalty was imposed without getting the meter checked from the Electrical Inspector and that the procedure laid down in the Electricity Act, 2003, was not followed. The liberty was given to the defendant/appellant to decide the matter afresh after getting the meter in question checked. There are concurrent findings of two

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Courts below. Therefore, no substantial question of law arises in the present regular second appeal. Hence, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

19.11.2015
sjks