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

C.R.M-M No.41978 of 2016

Date of Decision : 01.12.2016

Vinod Kumar

..... Petitioner

versus

Punjab State Power Corporation Ltd. and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Mohinder Pal, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of the competent authority dated 23.04.2014 under the Electricity Act, 2003 whereby the petitioner was held guilty of power theft and a penalty of Rs.1,67,000/- odd was imposed upon him and the order of the Appellate Court dated 10.10.2016 dismissing his appeal.

Learned counsel has argued that there is a fundamental flaw in the proceedings because there is evidence to prove that in fact the meter was never removed from the premises and therefore its checking etc. was wrongly done. Before the Appellate Court the plea which had been taken was that the signatures of the petitioner were obtained on a computerized paper without informing him that by appending his signatures he had waived the right to be present at the time of the checking of the meter and

therefore the checking of the meter in his absence was illegal.

In my opinion, the plea taken before this Court and the plea taken before the Appellate Court are mutually destructive. The petitioner now cannot be permitted to take such a plea.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 01, 2016		(AJAY TEWARI)
<i>ashish</i>		JUDGE
Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No