

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

\*\*\*\*

**CWP No.11598 of 2014  
Date of Decision:04.08.2016**

**Dwarka Dass**

**.....Petitioner**

**Vs.**

**Punjab State Corporation Ltd. & anr. ....Respondents**

**CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present:- Mr. Pankaj Jain, Advocate for the petitioner.

Mr. Amit Aggarwal, Advocate for respondents No.1 and 2.

Mr. Anant Kataria, DAG, Punjab.

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**RAKESH KUMAR JAIN, J.(Oral)**

This petition is filed in order to challenge the bill dated 5.4.2012 amounting to ₹4,22,49/- raised against the electricity connection of the petitioner bearing Account No.Z38MP760408K alleging that the assessment order dated 17.2.2012 issued vide letter No.91 under Section 135 of the 2003 Act is illegal.

At the time of notice of motion, following order was recorded by this Court:-

“Contentends that as per bill dated 05.04.2012 (P-1), an amount of ₹35311/- has been assessed on account of the fact that during the inspection, it was noticed that there are scratches on the glass of the meter. Learned counsel for the petitioner submits that it would not fall within the definition under Section 135 of the Electricity Act. Learned counsel for the petitioner submits that the meter was changed in due course

as per the new policy of the respondents. The respondents approached the petitioner and told that the electric meter is to be changed and new electric meter is to be installed and accordingly, meter was removed by the respondents but they have not sealed the same. As per the checking report, there was no case of theft and no case has been made out against the petitioner. Moreover, as per the report of the laboratory, no case of theft is made out.

Notice of motion for 07.10.2014.”

During the course of hearing, counsel for the respondents has fairly conceded that even in the report of theft against the petitioner there is tampering with the meter. In this regard, counsel for the petitioner has submitted that if there is tampering with the meter, it would not fall within the definition of Section 135 rather it would fall under Section 126 of the Electricity Act (for short, 'the Act') which deals with over consumption of electricity and not the theft.

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, the present petition is hereby allowed and the bill raised in terms of Section 135 of the Act is hereby set aside with liberty to the respondents to re-look the issue and in case there is tampering of the meter, take action if required, in accordance with law.

**August 04, 2016**  
**renu**

**( RAKESH KUMAR JAIN )**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |