

CWP No.18298 of 2015

[1]

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

**CWP No.18298 of 2015
Date of decision:07.04.2016**

Keshav Shukla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amrik Singh, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is having electricity connection bearing A/c No.NA 02/0813, inspected by the respondents on 26.04.2013 and found that both the seals of the meter were tampered with. The petitioner was asked to pay ₹35,026/-. However, in Review Application of the provisional order of assessment dated 30.04.2013 passed under Section 135 read with Sections 126(6)/154(5) of the Electricity Act, 2003 (hereinafter referred to as the “Act”), it was ordered that the assessment order may be passed under Section 126 of the Act after calculating the amount with LDHF formula after leaving the period of four months i.e. 08.2012 and 10.2012. Thereafter, the final order of assessment was passed asking the petitioner to deposit ₹27,673/-. The said order was challenged by the petitioner by way of an appeal filed under Section 127 of the Act, which was dismissed on 28.11.2014 observing that “*so it is clear from the given facts that MT seals*

CWP No.18298 of 2015

[2]

of electricity meter were tampered with by the appellant, so far as mistake in the assessment order is concerned, the same has been rectified by the Deputy Chief Engineer, Halqa, Patiala vide its order dated 03.05.2015 and the appeal is dismissed as per the argument addressed by counsel for the respondent. It is ordered that the amount be deposited as per the amount calculated by the assessment officer”.

Counsel for the petitioner has submitted that the Deputy Chief Engineer has observed that the reports relating to the meter of the petitioner were contradictory and the accuracy of the meter was not checked but still the penalty has been imposed.

I have heard learned counsel for the petitioner and perused the record.

The M.E. Lab, Patiala has submitted the report that “*meter was brought in the presence of the consumer in seal packed box. Both M.E. seals/meter seals of the M.E. of meter were tampered. Ultrasonic welding of the meter were broken. We checked the meter by opening and a resistance wire of red colour was found in the CT circuit which stops the recording of original reading. Meter was tampered within. It is a case of electricity theft. Meter was handed over to concerned J.E, sealed pack vide paper seal no.154105 dated 26.01.2013. Consumer was present on the spot. Refused to sign*”.

It is also mentioned in the report dated 26.04.2013 of the Senior Executive Officer/Enforcement I, Patiala, that both the M.E. seals of the meter were tampered with and when the meter was checked by opening it,

CWP No.18298 of 2015

[3]

resistance wire of red colour was found in the PT circuit which relates to the potential circuit of PCB and, thus, it was found to be a case of electricity theft.

It is apparent from the reports that the petitioner has been found extracting electric energy unauthorizedly and, thus, the assessment has been made, which has been examined by the Appellate Court as well.

In view thereof, I do not find any scope of further interference in the matter and hence, the present petition is hereby dismissed being denuded of any merit.

April 07, 2016
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(Rakesh Kumar Jain)
Judge