

In the High Court of Punjab and Haryana at Chandigarh.

CWP No. 5440 of 2016
Decided on 28.3.2016

Pankaj Kapoor

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sourabh Goel, Advocate, for the petitioner

Rakesh Kumar Jain,J: (Oral)

The petitioner is in occupation of property bearing No.1032, Street No.1, Jaswant Nagar, Ludhiana. He has got commercial electricity connection No. CS/03/138 installed in the said premises after sanctioning load of 58 Kilowatt. Admittedly, the petitioner is running a hosiery unit under the name and style of M/s. P.N. Kapoor Hosiery in the said premises. The respondents had served a notice upon the petitioner vide memo No. 3469 dated 17.10.2012 stating that the commercial connection which is being used for running hosiery unit amounts to an unauthorised use of electricity calling upon the petitioner to pay a sum of ₹5,85, 431/- towards

charges for unauthorised use of electricity.

The petitioner made a representation against the provisional assessment. Thereafter, final assessment order was passed on 17.12.2012 asking the petitioner to pay the aforesaid amount which had been finally assessed. The petitioner is alleged to have filed an appeal under Section 127 of the Electricity Act, 2003 after depositing 50% of the final assessment amount. The said appeal has been dismissed. Hence, the present petition has been filed.

At the very outset, learned counsel for the petitioner has submitted that no opportunity was granted to the petitioner before passing the order of final assessment. However, he has himself pointed out that the stand taken by the respondents is that opportunity of hearing was given but no such notice etc. was given to the petitioner. On a pointed question to the petitioner as to whether he had taken this plea in the grounds of appeal, it is stated that no such ground has been taken in the grounds of appeal, meaning thereby the petitioner is telling white lies in the Court because had there been any issue of not giving opportunity of hearing, it would have been the first ground in the grounds of appeal before the Appellate Authority.

Be that as it may, learned counsel for the petitioner has argued that the petitioner is not using the electricity connection for industrial purposes as the electric connection is of commercial nature.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that once it is admitted that the connection was meant for commercial purposes, the petitioner is not supposed to run the industry on the said connection and, therefore, the

petitioner has rightly been burdened with the aforesaid amount by the respondents for the use of electricity.

Hence, this petition is hereby dismissed.

28.3.2016
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(Rakesh Kumar Jain)
Judge