

CWP-5831-2016

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

CWP-5831-2016

Date of Decision: 30.03.2016

Ravinder Attri

... Petitioner(s)

Versus

Dakshin Haryana Bijli Vitrak Nigam Limited and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the letter/notice/memo No.3504 dated 09.02.2016 (Annexure P-3) issued by S.D.O, DHBVNL, Faridabad whereby alleged illegal demand for the offence under Section 135 of the Electricity Act, 2003 (for brevity, 'the Act'), has been raised against the petitioner.

Brief facts of the case are to the effect that the petitioner is running a workshop in plot No.241/1, Baba Hirday Ram Colony, Mujessar, District Faridabad under the name and style of "M/s Shiv Engineering Works". There are two sheds in plot No.241/1 out of which

CWP-5831-2016

one shed has been taken on lease by the petitioner from the landlord Smt. Rajbala wife of Sh. Jagbir Lamba and the other is occupied by some other person who is running a firm under the name and style of “M/s Shiv Auto Components”. The petitioner is using electricity connection bearing account No.1884940000 which was earlier bearing No.1212303UMU310159. The account number is in the name of landlord Smt. Rajbala. The petitioner has been regularly making payments of the said electricity connection and has never misused the electricity connection. The respondents have allegedly illegally raised a memo No.232 dated 09.02.2016 towards metre No.5892363 in which it has been mentioned that the above mentioned metre was checked by the officials of the respondents and they found R4B phase resistance having been punctured by applying high voltage block. The electricity department held that it is a case of theft of energy with the load of 37.36 for LT purpose. The said electricity connection was disconnected. Thereafter, respondent No.1 sent memo no.3504 dated 09.02.2016 addressed to Jagbir and actual user was shown as Ravinder petitioner herein. In fact, the petitioner has no concern with the said electricity connection and the said memo has been wrongly issued to him.

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

Learned counsel for the petitioner contends that theft has not been committed by the petitioner. In fact, there are two sheds in the

CWP-5831-2016

premises and theft may have been committed by the other person, not by the petitioner. He relies upon the lease deed/rent agreement (Annexure P-1) to contend that the petitioner is a lessee of Smt. Rajbala and as such, he is not liable for the alleged demand of the respondents.

I have considered the contentions of learned counsel for the petitioner.

Admittedly, as per report (Annexure P-3), case in question falls within the category of theft under Section 135 of the Act. There are specific remedies available under Part XIV of the Act regarding offences and penalties in the case of theft of electricity. Section 143 of the Act provides for powers to appoint adjudicating officer for holding an inquiry in such cases. Special courts have been constituted to deal with such matters and reference has been made to Sections 153 and 154 of the Act. In writ jurisdiction, this Court cannot determine as to whether the theft was being committed by the petitioner or someone else. It can be appreciated by the competent authority and not by way of a writ petition.

In view of above discussion, I do not find any merit in the instant petition.

Dismissed.

However, the petitioner will be at liberty to avail the remedy as available to him in accordance with law.

30.03.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge