

LPA no. 617 of 2016 (O&M)

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

**LPA no. 617 of 2016 (O&M)
Date of Decision :11.07.2016**

Ajmer Singh

....Appellant(s)

Versus

Punjab State Power Corporation Ltd. and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

Present : Mr. Suveer Sheokand, Advocate for the appellant

MAHESH GROVER, J.

Against a demand of Rs.61,47,143/- raised by the respondent – Corporation against the appellant on checking of his premises, the appellant filed proceedings before the Special Judge empowered under the Act to look into the grievance of the kind. The plea of the appellant was partially accepted and the payment reduced to Rs. 31 lacs and some odd amount. This order of the learned Special Judge was challenged by the appellant by way of CWP no. 1128 of 2016 where a plea was raised disputing the entire liability on the ground that the meter was not sent to the M.E Laboratory. In support of his plea the appellant had relied on certain decisions of this Court referred to in the impugned judgment.

Learned Single Judge held that it was a case of established theft against the appellant which fact was duly established before the Special Judge as well and therefore refused to interfere by distinguishing the

judgments relied on by the appellant as being inapplicable to the facts of the case.

Before us learned counsel for the appellant contends that the amount is exorbitant and has been arrived at by adopting a faulty reasoning.

We find that this issue was never raised before the learned Single Judge and therefore we will not permit the appellant to raise this issue to question the judgment of learned Single Judge; on an issue, based on facts, never raised before it. Consequently, instant appeal is held to be without any merit and the same is hereby dismissed.

(Mahesh Grover)
Judge

11.07.2016
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(Shekher Dhawan)
Judge