

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5862 of 2017
Date of Order: 31.08.2017

Nihal Singh

..Petitioner

Versus

D.H.B.V.N. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manish Mehta, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Plaintiff is in revision petition against dismissal of application under Order 39 Rules 1 and 2 for grant of temporary injunction.

Plaintiff filed a suit for declaration and permanent injunction challenging demand notice issued by the Dakshin Haryana Bijli Vitran Nigam Limited (Electricity Board), being illegal, null and void. Along with the suit plaintiff also filed an application for grant of temporary injunction.

Learned trial Court after finding that it was a *prima-facie* case of theft of electricity, refused to grant temporary injunction. The Court has *prima-facie* found that the raid was conducted and it was found that the plaintiff was committing theft of electricity by connecting a 3-phase 3-core 16 mm PVC cable about 250 meters in length to the pillar box, for running a 3-phase 17.5 BHP submersible motor for agricultural purpose.

Thereafter the Defendant-Electricity Board assessed the amount payable and served a notice on the plaintiff. The raid was duly photographed by the official of the defendants.

Learned first appellate Court also affirmed the aforesaid findings.

Learned counsel for the petitioner has submitted that the authorities have not followed the procedure as prescribed under the instructions laid down by the Electricity Board. Learned counsel for the petitioner has further argued that the plaintiff is not a consumer and therefore he cannot be involved in the case of theft of electricity.

I have considered the submission of learned counsel for the petitioner. However, I do not find any force in the same.

In this case, *prima-facie* the courts have found that the plaintiff was involved in the theft of electricity. A raid was conducted which was duly photographed and cable was seized measuring 20 meter in length. There is a checking report produced by the defendants before the Courts below.

In view thereof, in my considered opinion, there is no good ground to interfere with the orders passed by the courts below. The revision petition is dismissed.

August 31, 2017
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No