

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7152 of 2015 (O&M)

Date of decision: 01.08.2017

Budh Singh

... Petitioner

versus

Punjab State Power Corporation Ltd. and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. B.S. Mittal Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 03.10.2015 (Annexure P-1) passed by the learned Additional District Judge, whereby the application of the petitioner under Section 5 of the Limitation Act, for condonation of delay, in filing the appeal was dismissed, petitioner has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

It is not disputed before this Court that instant one was a case of theft of electricity. After conducting raid at the premises of the petitioner, FIR No. 311 dated 08.09.2014 for offence under Section 135 of the Electricity Act, 2003 ("the Act" in short) was lodged against the petitioner. Simultaneously, bill-cum-assessment order No. 3466 dated 07.07.2014 was served on the petitioner. It was this assessment order

No.3466 dated 07.07.2014 which was sought to be challenged by the petitioner by way of an appeal before the learned Special Court.

Notice motion was issued.

Heard learned counsel for the parties.

After hearing learned counsel for the parties and going through the record of the case, learned Additional District Judge rightly came to the conclusion that since the appeal itself was not maintainable, there was no scope of allowing application for condonation of delay. Accordingly, said application was rightly dismissed by learned Additional District Judge vide impugned order dated 03.10.2015. Having said that, this Court feels that no hesitation to conclude that the learned Additional District Judge was well within his jurisdiction to pass the impugned order and the same deserves to be upheld.

When the learned counsel for the petitioner was confronted with the relevant provisions of law contained in part XII of the Act starting from Sections 126 to 130, to point out as to how the Special Court can be equated with the Appellate authority under Section 127 of the Act, he had no answer and rightly so, it being a matter of record. It is so said because the present case would be covered under Part XIV of the Act starting from Section 135 of the Act, it being a case of theft of electricity. It goes without saying that under part XIV of the Act, Special Courts have been established. Further under Section 154 (5) of the Act, learned Special Court shall determine the civil liability against

the consumer. It is also not disputed that the learned Special Court is already seized of the matter as the criminal trial is going on against the petitioner.

During the course of hearing, learned counsel for the petitioner could not point out any illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is supported by sound reasons because of which no fault can be found with it and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

August 1, 2017

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Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No