

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

CWP No.14087 of 2001 (O&M)  
Date of decision: September 07, 2017

M/s Sham Udyog Ltd.

...Petitioner

Versus

P.S.E.B. and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Aditya Grover, Advocate for the petitioner.

Mr. Vinod S. Bhardwaj, Advocate for respondents No.1 to 4.

**Rajan Gupta, J.**

Petitioner has prayed for a writ in the nature of certiorari for quashing the letter dated 30.6.2001 (Annexure P-4), whereby a demand of Rs.1,82,95,109/- has been raised by respondent No.3 as also memo dated 3.7.2001 (Annexure P-6), whereby a demand of 1/3<sup>rd</sup> of the total amount has been raised before referring the case to respondent No.4.

It has been urged before the court that the authority did not act as per rules and the clauses contained in the Manual. The premises of the petitioner had been repeatedly checked but no foul play was found. Entire action of the department is vitiated. Plea has been opposed by the Board. According to it, entire videography of the raid was prepared. Two parallel meters were installed to counter check the energy being consumed by the unit of the petitioner. It was found that petitioner was extracting energy at a point prior to the place where meter was installed. Entire procedure has been specified by the Board in its reply filed through H.S. Sohi, Senior

Executive Engineer (Operation), Malerkotla. It is evident that H.T. consumer such as petitioner is supplied electricity in a particular manner. From 200 KV sub station maintained by the Board, a 66 KV three phase supply line was given to the premises of the petitioner, from which supply was carried into what were termed as 66 KV/110 Volts potential transformers and from the said transformers, supply was going to 66 KV 100-50/1A current transformers of the petitioner and then to 66 KV/11 KV power transformer, thereafter to the control room and distributed within the industrial premises. An electronic meter was installed in the said premises. The measurement was done on secondary side through PTs and CTs in the CT/PT yard. At that point 66 KV supply was converted into 110 volts and then carried into the meter. Supply of 66 KV line was of high magnitude which could not be directly measured by a meter and was converted into a low magnitude (100/50/1 Amp.) current and taken to the meter for recording energy. Both the equipment i.e. PTs and CTs were located within the fencing yard which was enclosed area with no access to the same except by means of a door which was sealed by the officers of the Board. For each CT/PT there was a terminal box housing secondary terminals duly sealed. A galvanized iron pipe was welded on the bottom of each such secondary terminal box and cables from the metering terminals run through the pipe to the meter box. A seal was also placed on the meter box. Further, cables which were running from secondary terminals of 66 KV CTs & PTs through the galvanized iron pipe, terminated at the meter terminals and were not accessible through G.I. Pipes. The electronic meter was a complex and sophisticated electronic device which used to record load and consumption

of electricity in various forms and parameters and tamper information etc. A diagram showing the manner in which the line entered the premises of the petitioner and location of various installations has also been annexed with the reply.

Admittedly, the premises of the petitioner was closed in 2013. The Board has already filed a civil suit for recovery. Proceedings were not stayed at the time of issuance of notice in this petition way back in the year 2001. There was, however, direction to stay disconnection of the petitioner firm. As the unit is now closed and civil suit for recovery is pending, there is no ground to interfere in writ jurisdiction. Besides, disputed questions of fact are involved. Thus, I find no merit in the present writ petition.

Dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

September 07, 2017  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No