

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

CWP No.11946 of 2013 (O&M)

Date of decision : 03.02.2017

Uttar Haryana Bijli Vitran Nigam Ltd.

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam, Consumer Grievances Redressal Forum
and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. K.S. Malik, Advocate for the petitioner.

Mr. Diwan S. Adhlakha, Advocate for the respondents.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned order dated 09.01.2013 (Annexure P-2) of the respondent No.1, whereby complaint No.655 of 2012, has been allowed and they have been asked to overhaul the account for a period of six months.

Mr. K.S. Malik, learned counsel appearing on behalf of petitioner submits that on 03.12.2009, Nigam officials checked the connection and declared the electric meter to be running slow by 95%. New meter was installed. On the basis of the checking report, the demand of ₹ 2,28,272/- was raised and thereafter another demand of ₹ 16,04,495/- was raised. As the petitioner was aggrieved against Provisional order of assessment for unauthorized use of electricity (Annexure P-1) by filing

complaint, approached the Consumer Forum, which was allowed but the State Commission set aside the order and revision petition filed before the National Commission was withdrawn. Checking was done subsequent to that and, therefore, petitioner had an alternative remedy under Section 127 of the Electricity Act, thus, order under challenge is not liable to be sustained. The meter body on opening is found to be broken and electronic plates were also inspected thoroughly. The slowness was not on account of an component failure. All these facts have not been noticed by the Forum and thus, order under challenge is liable to be set aside.

Mr. Diwan S. Adhlakha, learned counsel appearing on behalf of Consumer Forum submits that regarding the broken meter, there is no remedy of appeal under Section 127 of 2003 Act and it is only on account of unauthorized use which was already availed but on accrual of subsequent cause of action, demand was clubbed. It is in this aspect of the matter, revision petition filed before the National Commission was withdrawn. Overhaul of the accounts for a period of six months was permissible as per 2003 Act and thus, urges this Court for dismissal of the present writ petition.

I have heard learned counsel for the parties and appraised the paper book and of the view that facts noticed above, do not prima facie establishes that order of the Forum is bad in law. Once it has been found that meter was defected, the demand cannot exceed beyond the period of six months preceding the date of inspection as per Notification dated 26.09.2007 issued by the Punjab State Electricity Regulatory Commission and this is what has been done in the impugned order.

The aforementioned findings thus given are perfectly legal and justified, much less, no interference is called for.

Accordingly, present writ petition is dismissed.

03.02.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No