

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.5255 of 2009

Date of Decision: April 07, 2017

Ranjit Singh

...Petitioner

Versus

Punjab State Electricity Board, Patiala & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.R.L.Luthra, Advocate,
for the petitioner.

Mr.B.S.Taunque, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

Petitioner is aggrieved of the final assessment, much less the order dated 18.2.2009 (Annexure P-5) rendered by the Appellate Authority under Section 127 of the Electricity Act, 2003 (for short “2003 Act”) on the premise that the petitioner was never served with the copy of the provisional assessment and, therefore, he did not have any option to file the objections.

Mr.R.L.Luthra, learned counsel for the petitioner submits that the checking report was done in the absence of the petitioner and, therefore, the alleged demand was not sustainable in the eyes of law. The alleged assessment report of electricity consumption is neither here nor there as the authorities have failed to establish the aforementioned allegations. The petitioner acquired the knowledge of alleged search and checking on receipt of the demand notice. Once the meter was found to be faulty, it does not bear the signature of any of the representative of the petitioner, much less of the petitioner. The provisional assessment and final assessment, much less

the order of the Appellate Authority are not sustainable in the eyes of law. The LDHF formula is not applicable to the facts of the present case, thus, there is gross violation of the provisions of Articles 14 and 21 of the Constitution of India. He further submits that the signed copy of the inspection report has also not been handed over by the inspecting officer to the representative/consumer.

Per contra, Mr.B.S.Taunque, learned counsel representing the respondents submits that the checking was done by the officer. Despite having been given an opportunity to the representative of the petitioner to sign the report, he emphatically refused. Provisional assessment was converted into passing of the final order. The petitioner did not file any objections to the provisional assessment. Even the Assessing Authority under the provisions of the Act also found the aforementioned fact, therefore, there is no illegality and perversity, much less the writ petition is not maintainable.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions as the petitioner had not been able to establish the non-sealing and packing of the meter in his absence. An opportunity of hearing was given to the petitioner to file the objections to the provisional assessment. Having failed to do so, the other pleas, which have been taken in the writ petition, much less before the Appellate Authority cannot be appreciated.

The inspection dated 7.1.2008, according to the respondents, was done in the presence of a lady, who was available in the house as the petitioner has been found to be using/consuming electricity directly from the overhead electric wire by by-passing the meter. The conduct of the

petitioner is also to be looked into for such purposes. Except by taking the technical objection, the factum of using electricity has not been emphatically denied. In the absence of the objections to the provisional assessment, the final assessment assailed before the Appellate Authority could not result in favour of the petitioner in the absence of denial of the consumption of electricity in the manner and mode indicated in the checking report, much less in the assessment order.

For the foregoing reasons, no ground for interference is made out. Writ petition stands dismissed.

April 07, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No