

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

CWP No.13253 of 2014

Date of decision: July 11, 2017

Smt. Saroj Sahni

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sumit Gupta, Advocate for the petitioner.

Mr. P.S. Poonia, Advocate for the respondents.

Rajan Gupta, J.(oral)

Petitioner has posed a challenge to order dated 2.7.2014 (Annexure P-4), whereby final order directing the petitioner to pay amount of Rs.5,58,487/- on account of suspected theft of electricity has been passed. It has been urged before the court that report dated 26.6.2014 (Annexure P-1) was submitted by the S.D.O. (Operations), wherein he reported that it was a case of suspected theft of energy, thus, immediate action had to be initiated. However, without considering the entire facts, the authority i.e. the Executive Engineer passed final order of assessment, raising the demand of Rs.5,58,487/-. Petitioner prays that the proper procedure has not been adopted, thus, order needs to be set-aside.

Prayer has been opposed by counsel appearing for the respondents. According to him, opportunity of hearing was granted to the petitioner before order Annexure P-4 was passed.

On due consideration of the matter, I am of the view that the final order of assessment needs to be set-aside. It appears that a final conclusion needs to be arrived at by Executive Engineer, whether only demand had to be raised from the petitioner or he had to be charged for the theft of electricity. The report of SDO (Operations) needs to be reconsidered and a fresh order needs to be passed.

Under the circumstances, impugned order passed by the Executive Engineer is hereby set-aside with liberty to pass a fresh order after granting opportunity of hearing to the petitioner.

Allowed in the above terms.

(RAJAN GUPTA)
JUDGE

July 11, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No