

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

CWP No.18351 of 2013

Date of Decision.08.03.2017

Punjab State Power Corporation Ltd.

.....Petitioner

Vs

Surjit Banquet Hall and another

.....Respondents

Present: Mr. Parminder Singh-I, Advocate
for the petitioner.

Mr. R.S. Atwal, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioner-Punjab State Power Corporation Ltd. (hereinafter called as “PSPCL”) challenges the impugned order dated 12.11.2011 (Annexure P-6) rendered by the SDM, Amloh, the competent authority under the Act at that time, whereby the demand of ₹6,60,836/- to be deposited by the respondents on account of theft of electricity, has been set aside.

Mr. Parminder Singh, learned counsel appearing on behalf of the petitioner submits that the consumer was stealing the electricity from the transformer installed near the banquet hall. In order to establish the aforementioned theft, photographs were clicked but some how the same could not be brought on record. There was some other evidence led but the authorities rejected the same on the ground that the officer, who had collected the evidence, did not produce the same and kept in his pocket. It is a clear case of theft and therefore, the matter is required to be looked into afresh.

behalf of the respondents-consumers submits that it is incumbent upon the Electricity Board to substantiate the demand of alleged theft by adducing positive and direct evidence. In the absence of the same, rightly so, the alleged demand has been struck off. The decision rendered by the authorities is in conformity with law and cannot said to be incorrect, much less, perverse, thus, the order under challenge is liable to upheld while dismissing the writ petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that the photographs are attached to, prima facie, establish the theft of electric energy. I do not want to delve upon the same, much less, give any opinion whether the photographs clicked are of the same time and place or clicked subsequently at some other place. The Electricity Board has to establish the theft of electricity by leading direct and cogent evidence.

In my view, the authorities were not wary, much less, alert in proving the alleged demand. The matter is remitted back to the authority i.e. one indicated in the impugned order (Annexure P-6) and liberty is granted to both the parties to lead fresh evidence in support of alleged demand or otherwise, in order to enable the authority to arrive at a conclusion in accordance with law.

The parties shall appear before the authority through their counsel on 05.04.2017.

Writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

March 08, 2017
Pankaj*

Whether speaking reasoned
Whether reportable

Yes
No