

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

CWP-1818-2014 (O & M)

Date of decision: 29.08.2017

Meena Gupta

....Petitioner

V/s

Punjab State Power Corporation Ltd. and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. C.S. Singla, Advocate, for the petitioner.

Ms. G.K. Gurna, Advocate, for respondents No.1 and 2.

Ms. Amandeep Kaur, Advocate, for Mr. Ramesh Sharma,
Advocate, for respondent No.3.

Mr. Gaurav Mohunta, Advocate, for respondent No.4.

Rajan Gupta, J. (Oral)

Petitioner has posed a challenge to the demand of Rs.1,20,640/- raised on her by bill No.55 dated 19.01.2014 (Annexure P-10). It is the case of the petitioner that she purchased the flat in question from respondent No.4 on 12.09.2011 and was, thus, not liable to pay for consumption of electricity on the basis of assessment carried out in the year 2010.

Admittedly, an FIR was registered against respondent No.4 from whom, petitioner purchased the plot. Respondent No.4 deposited the amount in question under protest. Response has also been filed by respondent No.3 i.e. Sohi Builders and Developers Gobind Vihar, Baltana, wherein stand has been taken that the petition is not maintainable as alternative remedy is available to the petitioner. This court finds this plea

untenable and rejects the same. It appears respondent No.4 has deposited the amount under protest. However, petitioner as well as respondent No.4 assert that the innocent buyers of flat are being penalized by issuing demand notice for lacs of rupees despite the fact so much electricity cannot be consumed by owner of a flat. Even FIRs are being registered against them.

Under these circumstances, it would be appropriate that matter is examined by respondent No.1 and appropriate decision is taken. Needless to observe that if the authority comes to the conclusion that the consumption is unauthorized or amounts to theft, it shall be at liberty to initiate the proceedings as per law against the builder or the consumer, as the case may be. The petition is disposed of in these terms.

August 29, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No