

CWP No.19651 of 2016

[1]

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

**CWP No.19651 of 2016
Date of decision:06.12.2017**

Naresh Kumar Sanghi

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Mr. Deepak Sabharwal, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

On the basis of the contentions raised, at the time of preliminary hearing, the following order was recorded by this Court on 21.09.2016:-

“This petition is filed in order to assail the validity of the assessment order issued vide memo dated 17.08.2016 in respect of the alleged theft of electricity.

Counsel for the petitioner has submitted that the sanctioned load of the petitioner is 20 KW, whereas in the checking report, it has been found that the petitioner was using the load of 11.190 KW. The meter was, however, removed and sent to the M&T Laboratory for the purpose of testing where it has been found that the said meter was having 2 pin holes on its backside body cover which, according to respondent No.3, could have been used for the purpose of committing theft of the electricity.

It is submitted by the petitioner that the respondents

themselves are suspecting theft of electricity but they have not followed the instructions contained in Clause 12(B) issued under the Electricity Act, 2003. It is also submitted that even the testing of the meter has been done behind the back of the petitioner as it is alleged to have been signed by one Rakesh Sanghi who is not the consumer of the electricity as the meter is in the name of Naresh Kumar Sanghi.

Notice of motion for 19.10.2016.

In the meantime, operation of the impugned order shall remain stayed.”

It is submitted by the petitioner that if it was a case of suspected theft, then the meter should have been tested in the presence of the consumer but it was tested behind his back.

After notice, the respondents have filed their reply, in which the following averments have been made:-

“.....The petitioner has concealed the fact that the notice with regard to the checking of the meter was sent three times to the petitioner. That when the petitioner failed to come to the M&T Lab even after the third notice, a team of LAB and Op. Staff checked the meter in the M&T Lab. It is further submitted that the first notice received by Mr. Sachin S/o Mr. Ashok Kumar (user in LL1) (Memo no.1064 dated 16/06/16) (R-2). The second notice (memo no.1180 dated 05/07/2016) was received and returned by Mr. Naresh Sanghi himself replying that he is leaving for Hyderabad for some urgent work by air, which is clear from the endorsement on the notice. The third notice was received by Smt. Sunita w/o Mr. Naresh Sanghi (memo no.1319 dated 27/07/16) (a copy of ration card showing that Ms. Sunita is wife of Mr. Naresh

Sanghi is annexed as **Annexure R-4).**”

Perusal of the notices Annexures R-2 to R-4 is sufficient to hold that the petitioner was duly informed but he chose not to appear before the testing lab, therefore, he cannot make a grievance in this regard.

Consequently, there is hardly any merit in the present writ petition for the purpose of interference by this Court and hence, the same is hereby dismissed, though without any order as to costs.

December 06, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No