

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

CWP 28006 of 2013
Date of decision: 3.5.2017

Surender

Petitioner

VS.

UHBVN and anr

Respondent

Present: Mr.RS Dhull, Advocate.
Mr. P.S. Punia, Advocate.

M.M.S.BEDI,J.

The petitioner is aggrieved by Memo dated 14.10.2013 (Annexure P-2) order of assessment and penalty order dated 24.10.2013 for compounding besides the checking report (Annexure P-1)

As the petitioner is challenging the wrong assessment and penalty besides the compounding charges, the Special Court has jurisdiction to determine the civil liability as no prosecution has been launched. In this context judgment in **Kapoor Singh vs. State Punjab Power Corporation Limited and others 2015(2) RCR (C) 891** appears to be applicable, wherein it has been held that the Special Court has got jurisdiction to determine the dispute regarding civil liability also.

Accordingly, the petition is disposed of relegating the petitioner to challenge the above said orders. The petitioner may approach the Special Court within one month for adjudication of the rights of the petitioner. All the pleas taken up by the petitioner in this petition would be available to him. The case will be decided afresh irrespective of any finding given in favour/ against of any of the parties.

Disconnection will remain stayed during proceedings as the amount stands deposited.

May 3 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No