

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

CWP No.24772 of 2015 (O&M)
Date of decision: October 03, 2017

Balwinder Singh

...Petitioner

Versus

Sub Divisional Magistrate & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manu K. Bhandari, Advocate for the petitioner.
Mr. Ashok Kumar Sharma, Advocate for respondents No.2 to 4.

Rajan Gupta, J.(oral)

Petitioner has posed a challenge to penalty of Rs.38,143/- and
Rs.15,000/- on account of compounding charges imposed upon him.

Operative part of the order reads as under:-

“On hearing both the counsels and perusing the record, it is found that the electricity meter of the appellant was changed on his request. The old meter of the appellant was checked in ME Lab and during checking it was found that the appellant had tampered with the meter seals. The meter was opened and checked and it was found that there was an additional circuit attached with the counter circuit. The meter was stopped from recording correct consumption. The appellant has tampered with the electricity meter. It is a case of theft of electricity. The notice, which has been issued to the appellant, is in accordance with law. The appeal filed by the appellant is against fact. Therefore the appeal is dismissed. Order pronounced. The appeal after giving of copy of the orders be consigned to record room, Patiala.”

Petitioner has primarily challenged the order on the ground that none of the pleas raised by him before the authority, has been dealt with as per rules. He submits that the order in fact, is non-speaking in nature. He prays that the matter be remitted to the same authority for decision afresh.

Prayer for remand is not opposed by counsel appearing for the respondents.

In view of above, the impugned order is hereby set-aside. The matter is remitted to the same authority for decision afresh. Admittedly, petitioner has already deposited 50% of the amount, for which demand was raised. In view of same, it is directed that the electricity connection to the premises of the petitioner shall not be disconnected till a fresh decision is taken by the authority.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

October 03, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No