

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

CWP No. 21034 of 2017

Date of decision : 15.09.2017

Punjab State Power Corporation Ltd. & anr.

....Petitioners

V/s

Iqbal Singh & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Tuneet Walia, Advocate for the petitioners.

RAJAN GUPTA J.

Petitioners have prayed for a writ in the nature of certiorari for quashing order dated 11.04.2016, Annexure P-3 passed by authority below. It has been urged before the court that impugned order is unsustainable as Lok Adalat has no jurisdiction to entertain and try the case. According to her, order of assessment is legal and valid. Thus, impugned order deserves to be set-aside.

I have heard learned counsel for the petitioner.

Respondent no. 1 is a consumer of electricity supplied by the Corporation. On routine checking, meter of respondent no. 1 was found tempered. Same was got checked in ME Lab on 07.10.2014 and it was found to be a case of theft of electricity. Accordingly, petitioner-Corporation raised a demand of ₹47,783/- from respondent no. 1 on account of tempering of meter and also directed to pay compounding charges of ₹15,000/- in order to avoid registration of FIR. The respondent no. 1 objected to the demand and filed an application before Permanent Lok Adalat. After hearing both the parties, it allowed the application by observing that provisions of

Electricity Supply Instructions Manual which were mandatory had not been followed. It, thus, set-aside the demand notice and directed the petitioner-Corporation to issue fresh bill on average basis. I find no infirmity with the order. It is borne on record that the meter was installed outside the premises in question. As per the Manual, where there is a reasonable doubt of tampering of meter and its seals, then the meter should be sealed jointly by the distribution licensee and the consumer/occupier of the premises. However, in the instant case neither the meter was removed in the presence of consumer nor any notice was given to him for removal thereof. Under the circumstances, no ground to interfere in writ jurisdiction is made out. Dismissed.

September 15, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No