

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 25382 of 2016 (O&M)

Date of Decision: February 16, 2017

Punjab State Power Corporation Ltd. and anr.

.....Petitioners

Vs.

Sub Divisional Magistrate, Ferozepur and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Ms. Jarnail Kaur Dhaliwal, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

Petitioner Corporation has challenged the order annexure P-4 dated March 9, 2016 passed by Sub Divisional Magistrate, Ferozepur, exercising the powers of Appellate Authority against the order of assessment and demand of Rs.1,15,553/- and holding that respondent No.2 should deposit 50% of the amount imposed by the petitioners. So far as the remaining demand is concerned, it has been quashed.

A perusal of the order passed by Sub Divisional Magistrate, Ferozepur indicates that the sundry charges have been imposed upon the petitioner Red Cross Society without giving any opportunity of being heard.

The claim of the petitioner Corporation is that the electricity meter connection NO.EP-47/678 installed in the premises of respondent No.2 was removed and sent to ME Lab vide challan No.2 dated November 17, 2009 and as per the report of M.E. Lab, the meter body and ME seals of the meter were found to be fake and tampered with, as such the amount of Rs.1,15,553/- was demanded and the connection has been permanently disconnected.

On asking of the Court, counsel for the petitioners informs that no proceedings under Section 135 of the Electricity Act have been initiated.

A perusal of the impugned order indicates that the order of recovery had been passed without following any procedure or giving an opportunity of hearing. The setting aside of the demand to the extent of 50% has not even been challenged by respondent No.2.

Taking into consideration the totality of the above said circumstances, I am of the considered opinion that respondent No.2 is a Red Cross Society. It does not indulge in any profit making business and is a charitable society set up for the welfare of the public at large under the Presidentship of Deputy Commissioner, Ferozepur. The Sub Divisional Magistrate in the exercise of its powers under Section 127 of the Electricity Act has passed the order dated March 9, 2016.

I do not find any force in the contention of counsel for the petitioner that order is without jurisdiction. No ground is made out for setting aside the impugned order dated March 9, 2016.

The petition is dismissed.

February 16, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.