

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP No. 23137 of 2017

Date of Decision: October 10, 2017.

PSPCL

....Petitioner

Versus

Permanent Lok Adalat, Public Utility Services, S.B.S.Nagar and ors.

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. J.S.Randhawa, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Challenge in the instant petition is to order passed by Permanent Lok Adalat, Public Utility Services, S.B.S.Nagar whereby penalty imposed on the petitioner has been reduced to the extent of 50%. It has been urged before the court that the forum has no jurisdiction to reduce the penalty. The Corporation had detected theft on account of which notice was issued to the consumer and under Section 135 of the Electricity Act was invoked. Thus, the impugned order passed by the forum needs to be set-aside.

It appears that applicant is a consumer of the Corporation. A power meter was installed outside his house in public street. . The consumer himself reported some technical defect with the meter. As a result, same was removed by the Corporation. The J.E examined the power meter and reported that neutral point of the same was burnt. Meter was taken away by the officials and examined in the ME lab. On such examination, petitioner issued notice to the applicant (respondent No.2

herein) that he had committed theft of energy. After examination of the record, the forum found that applicant could not be held liable for defect in meter. It also found that penalty imposed on him was on the higher side. Admittedly, respondent No.2 had already deposited Rs.1,63,923/-. The forum held respondent No.2 liable to pay 50% of the penalty and adjust the remaining amount against current bills. I find no infirmity with the order. In view of the report submitted by the J.E, applicant cannot be held liable for the neutral point of the meter having been burnt. The forum has already taken into consideration the consumption which may have taken place for the period meter remained non-functional. It is not clear how the Corporation had issued notice for theft of energy despite the fact that technical defect in the meter was reported by the consumer himself. Petition is without any merit and is hereby dismissed.

(Rajan Gupta)
Judge

October 10, 2017.

BB

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