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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7084-2014

Date of decision : 01.05.2017

Baljeet Singh

... Petitioner(s)

Versus

Designated Officer-cum-SE (OP), UHBVN and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. C.S. Singhal, Advocate for
Mr. S.P. Chahar, Advocate
for the petitioner.

Mr. Pardeep S. Poonia, Advocate
for the respondent(s).

AMIT RAWAL, J. (ORAL)

The grievance of the petitioner in the present writ petition is for issuance of a writ in the nature of *certiorari* to quash the impugned notices dated 11.09.2013 (Annexures P-4 & P-5), whereby he had been called upon to pay the amount on account of alleged theft under Section 135 of the Electricity Act, 2003 (for short 'the 2003 Act').

Mr. C.S. Singhal, Advocate for Mr. S.P. Chahar, learned counsel appearing on behalf of the petitioner submits that the petitioner has also been involved in an FIR on account of theft of electricity. The Electricity Board/Department cannot proceed against the petitioner by availing two remedies for recovering the amount from the petitioner and as well as under the Criminal Procedure Code, for, the Special Court under sub-Section 6 of Section 154 of the 2003 Act has the jurisdiction to determine the civil liability.

He further submits that in pursuance to the demand raised for the purpose of restoration of electricity, certain amount has been deposited.

This fact is not denied by Mr. Pardeep S. Poonia, learned counsel appearing on behalf of the respondent(s), much less, registration of FIR.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the Electricity Board is at liberty to seek the determination of the amount in the aforementioned FIR, which is being tried by the Special Court in view of the provisions of law, indicated above and thereafter, in case, the aforementioned findings are found to be final, the petitioner shall be liable to pay, but at the moment, the balance amount raised, in the impugned notice, is required to be kept in abeyance.

In view of what has been noticed above, the present writ petition stands disposed of.

01.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No