

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

CWP No. 8789 of 2014

Date of decision : 27.07.2017

Sham Lal

....Petitioner

V/s

Uttari Haryana Bijli Vitran Nigam Ltd. & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vishal Gupta, Advocate for the petitioner.

None for the respondents.

RAJAN GUPTA J.

Petitioner has impugned order, Annexure P-3 passed by respondent no. 3 whereby he has been asked to deposit ₹2,78,214/- on account of alleged theft of energy. It is urged before the court that it was petitioner who reported to the authorities about the defective energy meter. Without serving upon him checking report or provisional assessment order, the authority went ahead and raised the demand on the basis that petitioner had committed theft of energy. He further submits that in case of theft of energy, Rules have to be followed and meter has to be sent in a duly sealed cover to the ME lab. There is nothing on record to show that needful was done.

Respondents remain unrepresented.

In view of aforesaid contentions, this court finds substance in

the plea of the petitioner. In the eventuality due procedure has not been

followed, impugned order cannot be upheld. It appears that matter needs to be reconsidered by the same authority which passed it. Same is, thus, set-aside. Matter is remitted to same authority for decision afresh, preferably within three months. Interim order which was passed by this court which issuing notice of motion shall remain operative till a fresh order is passed by the authority.

Allowed in these terms.

July 27, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No