

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 9889 of 2014 (O&M)

Date of decision : July 25, 2017

Punjab State Power Corporation Ltd.

..... Petitioner

Versus

Sadhu Ram and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Parminder Singh-I, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG., Punjab.

RAKESH KUMAR JAIN, J (oral).

This petition is preferred against the order passed by the appellate authority under Section 127 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') by which the assessment order dated 30.5.2013 (Annexure P-7) passed under Section 126 of the Act has been rejected.

Counsel for the petitioner has submitted that the premises of respondent No.1 was checked on 5.3.2012 in the presence of owner and it was found that he has been using the electricity un-authorisedly. Therefore, order of provisional assessment was passed and served upon respondent No.1 but there was refusal on his part as recorded on 6.3.2012. However, he joined the proceedings of the final assessment and had filed reply and ultimately the final assessment order was passed asking respondent No.1 to pay Rs.2,10,859/- The said order was challenged on 15.3.2012 by respondent No.1 by way of an appeal which has been allowed by the appellate authority.

has been wrongly recorded by the appellate authority because it is observed that there is nothing on record to show as to whom the checking report was supplied and in whose presence the checking was done.

It is submitted that the checking was done in the presence of Rajinder Kumar, owner of hotel who has signed on Annexure P-1. It is also contended that the provisional assessment order was served on 12.8.2012 but it was refused to be received by Sunil Kumar, therefore, the findings recorded are totally incorrect because these are against the record.

Consequently, the present petition is allowed. The order dated 30.5.2013 is set aside and the matter is remanded back to the appellate authority to decide the *lis* between the parties again after giving them an opportunity of hearing and referring to the record.

Parties are directed to appear before the Sub Divisional Magistrate, Bathinda on 21.8.2017.

(RAKESH KUMAR JAIN)
JUDGE

July 25, 2017
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No