

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

CWP No.4997 of 2017

Date of Decision.03.04.2017

Satpal s/o Sh. Netram

.....Petitioner

Vs

Dakshin Haryana Bijli Vitran Nigam and another

.....Respondents

Present: Mr. Ankit Grewal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J.(ORAL)

The petitioner's grievance is that on 10.09.2014, his premises was raided by the officials of Dakshin Haryana Bijli Vitran Nigam, Faridabad and an order of assessment dated 13.09.2014 for ₹7,58,818/- was passed for alleged theft/unauthorized use of electricity, without any show cause notice, much less, opportunity of hearing. Even a notice for compounding was also issued on the same day for ₹2,00,000/- which was never received by him. An FIR bearing No.978 dated 25.11.2014 under Sections 135 and 151 of the Electricity was also registered. The petitioner was granted regular bail on payment of ₹3,83,528/-, which has been paid by him. Even the electricity connection of the petitioner has been disconnected.

On 26.04.2016, the petitioner was convicted by the Judicial Magistrate 1st Class and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹23,00,000/-. The aforementioned order was challenged before this Court and vide orders dated 28.05.2016 and 01.08.2016, this Court has stayed the fine and suspended the sentence of the petitioner during the pendency of appeal.

The petitioner has approached the respondents to restore the electricity connection but the respondents are adamant for depositing the whole amount, which has been assessed wrongly and illegally. In this regard, a representation dated 23.12.2016 (Annexure P-6) has also been given to the respondent No.2 but the same fell into deaf ears.

The counsel for the petitioner submits that he will be satisfied if a direction is issued to the 2nd respondent-Superintending Engineer/Op., Dakshin Haryana Bijli Vitran Nigam (DHBVN), Sector 23, Faridabad (Haryana) to take appropriate action on the representation dated 23.12.2016 (Annexure P-6) within a stipulated period.

Without going into the merits and demerits of the claim of the petitioner, I deem it appropriate to direct the 2nd respondent-Superintending Engineer/Op., Dakshin Haryana Bijli Vitran Nigam (DHBVN), Sector 23, Faridabad (Haryana) to take appropriate action on the representation dated 23.12.2016 (Annexure P-6) within a period two months from the date of receipt of certified copy of this order and shall pass a speaking order thereon.

The writ petition stands disposed of with the above direction.

(AMIT RAWAL)
JUDGE

April 03, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No