

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

(112)

CWP-5240-2017

Decided on: March 15, 2017.

Balkar Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Mohinder Kumar, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner claims that he is an NRI and with an objective to grab his property, he is being falsely implicated in one after another case by his brother who is resident of India, with an oblique motive to terrorise the petitioner not to come back to India and to grab his property in his absence. The recent episode referred to by the counsel for the petitioner is the registration of launching of proceedings with effect from 09.01.2015 regarding theft of electricity on the basis of checking.

Petitioner claims that his presence has been wrongly marked on 09.01.2015 whereas as per the entry in his passport, he was not even in India on that day.

The representation of the petitioner was ordered to be considered objectively. Vide Annexure P-11, the Additional Superintendent Engineer (Distribution), Sub Urban Division, Nakodar has passed a speaking order on the representation of the petitioner.

The plea of the petitioner is that he was not present in India and his presence has been wrongly marked, warranting action against the officials of the electricity department.

After hearing learned counsel for the petitioner and taking into consideration all the facts and circumstances of the case, I am of the

considered opinion that illegal order on the basis of fake checking report without following the relevant provisions of the regulation applicable and the Electricity Act, the petitioner has been held liable to deposit the assessed amount.

The mala fide of the brother of the petitioner is apparent but since he has not been made a party, I deem it appropriate to dispose of this petition with a direction that the petitioner may avail alternative remedy available to him against the illegal demand raised on the basis of allegations of theft of electricity by following the due procedure of law. It is ordered that in case, the petitioner avails alternative remedy under the Electricity Act and Regulations against the illegal assessment of Rs.44100/-, the same would be decided within a period of one month. All the pleas taken up in this petition can be raised during those proceedings. It is further ordered that the electric supply of the petitioner will not be disconnected during pendency of the application of the petitioner by the competent authority. The plea that there is patent forgery in the preparation of report can also be raised by the petitioner while filing the representation which may be taken into consideration by the concerned authority.

Disposed of with the aforesaid directions without prejudice to the right of the petitioner to avail the protection in accordance with law, in case, there is any apprehension in that aspect.

(M.M.S. BEDI)
JUDGE

March 15, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No