

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5072 of 2018(O&M)
Date of Decision: 13.09.2018

Sunil Kumar
Versus

.....Petitioner

Dakshin Haryana Bijli Vitran NigamRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Mr. Vinod Kumar Kaushal, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 20.07.2018 passed by the Civil Judge, Junior Division, Hansi, whereby prayer for extension of time to deposit entire amount as well as 40% of the total amount as directed vide order dated 24.01.2018 was dismissed.

[2]. Vide order dated 22.01.2018, plaintiff was directed to deposit certain amount. Petitioner could not deposit the same. An application was filed for modification of the said order. Order dated 24.01.2018 was passed, whereby the respondent/Nigam was directed to restore the electricity to the premises of the

petitioner/tenant subject to the condition that the petitioner/tenant would deposit the entire bill amount as well as 40% of the total amount impugned in the present suit within a period of 7 days from the date of passing of the said order.

[3]. After passing of the order dated 24.01.2018, the requisite amount was not deposited within the time stipulated and the petitioner/tenant was found indulging in use of electricity supply unauthorizedly even after filing of the suit. Plaintiff/petitioner has already impugned checking report dated 22.09.2017 in the suit. On third occasion also he was found indulging in theft of energy when memo dated 8.06.2018 was issued pursuant to the checking report. The delay in depositing the requisite amount is sought to be condoned only on the premise that condition of the father of the petitioner was not good and the amount could not be deposited in time and restoration of electricity was also not done by the respondent/Nigam.

[4]. At the time of issuance of notice of motion on 08.08.2018, learned counsel for the petitioner contended that if the petitioner is found using the electricity unauthorizedly, he is ready to bear the surcharge/penalty.

[5]. In view of memo dated 08.06.2018, petitioner/tenant is found indulging in the theft of energy. The electricity being a

basic need has to be restored, but at the same time, conduct of the petitioner/tenant is to be equitably balanced by way of directing him to deposit additional amount of Rs.50,000/- in addition to the amount calculated by the respondent/Nigam on earlier occasion. If the needful is done within a period of two weeks from today, the electricity connection shall be restored subject to final outcome of the suit.

[6]. Disposed of.

September 13, 2018	(RAJ MOHAN SINGH)
Ali	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No