

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

CR No. 6113 of 2018
Date of Decision: 13.09.2018

Mohan Pal Singh Bedi

.....Petitioner

Versus

Chairman, Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Karan S.Gill, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The petitioner filed a suit seeking therein declaration to the effect that the notice/letter dated 26.02.2018 issued by the respondents be declared null and void. It was further prayed that the respondents be restrained from enforcing the impugned notice/letter as also from disconnecting the electricity connection installed in the premises of the petitioner. Along with the suit, an application under Order 39 Rule 1 and 2 CPC seeking therein interim injunction was also filed.

Through the notice under challenge, the respondents had demanded an amount of ₹83,777/- from the petitioner for alleged theft of electricity by him. According to the petitioner, no case of theft was made out against him and therefore, the demanded dues were illegal.

A perusal of the order dated 24.05.2018 passed by the Additional District Judge, Pathankot (for short, the Trial Court) reveals that while issuing notice of the suit to the respondents, for the reasons recorded in the order, interim stay for the entire demand was granted. However,

through the order dated 21.08.2018, which is the order impugned in the present petition, such stay was modified to the extent that the stay granted to the petitioner would be restricted to only 50% of the demand.

Order dated 21.08.2018 through which the earlier interim order dated 24.05.2018 has been modified is found to be bereft of any reason whatsoever and on that account alone, after setting aside the impugned order, the matter is remanded to the Trial Court to decide the prayer made by the petitioner for interim stay, afresh. The same be done after hearing learned counsel for the parties and through a speaking order.

It is clarified that while passing of present order, this Court has expressed no opinion on the merits of the case.

The present petition is disposed of in the above terms.

If the respondents are aggrieved by passing of this order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

13.09.2018
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No