

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16578 of 2014
Date of Decision:16.07.2018

Mohinder Singh

..... Petitioner

Vs.

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Ms.Jatinder Jit Kaur, Advocate,
for the petitioner.

Mr.J.S. Randhawa, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the final assessment order dated 11.9.2012 passed by the Deputy Chief Engineer, Punjab State Power Corporation Limited Distribution (Sanchar), Hoshiarpur under Section 126 of the Electricity Act, 2003 [for short 'the Act'] and the order dated 30.5.2014 passed by the appellate authority under Section 127 of the Act.

In brief, the petitioner had obtained 15 horse power connection bearing AC No.AP10023 for irrigation in the village Pandori Nijjran. On 23.6.2012, the officers of the Punjab State Power Corporation Limited [for short 'the PSPCL'] held a surprise check of the premises of the petitioner at 5:30 PM and found two bores. According to the petitioner, the second bore was being run on the generator but according to the Corporation, the petitioner was found using the electricity unauthorisedly to run the second bore. Thus, the proceedings under Section 126 of the Act were initiated because both the motors were being run on the electricity and the contention

of the petitioner that the second motor was being run on generator was not found correct. The respondents had ultimately saddled the petitioner with the liability assessed in terms of the final assessment order which was challenged by the petitioner by way of appeal. The said appeal was dismissed on 30.5.2014. It was the contention of the petitioner in the appeal that he has not been unauthorisedly using the electricity as the second motor was being run on the generator but a categoric finding has been recorded by the appellate authority, which read as under: -

“Appellant who is claiming that generator which was being used to run the second bore, that generator’s any detail, any photo, and other proof or witness etc. have not been included in the appeal, from which any knowledge about generator is revealed. Therefore, it is proved that appellant was using more load then the authorized load by running second bore from the same connection and thus theft of electricity was done.”

The argument of the petitioner that the Junior Engineer is not competent to conduct the inspection is of no use because the SDO, having the powers of AEE, was competent to visit and enquire the matter. The fact remains that the petitioner has failed to prove on record before the appellate authority with any kind of evidence, in regard to the use of generator for the purpose of running the second motor in the second bore which was found to have been run from the sanctioned load on which the other motor was being

Thus in view of the aforesaid facts and circumstances, I do not find any reason to interfere in this petition and the same is hereby dismissed.

16.07.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*