

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

CWP-15073-2017 (O&M)
Date of decision : 06.09.2018

Parkash Chander

...Petitioner(s)

Versus

UHBVNL and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sanjay Panghu, Advocate,
for Mr. S.S. Nara, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

The petitioner is, inter alia, aggrieved against order dated 10.11.2016 (Annexure P-5), passed by respondent No.2, whereby, the appeal preferred by the petitioner has been partly allowed by waiving of 50% of the amount of penalty and compounding fee and adjusting the remaining amount of Rs.1,55,000/- deposited by the petitioner in pursuance of the order passed by this Court in CWP-25776-2015, towards full and final settlement.

It is contended that the raid was conducted by the respondents in utter violation of the provisions of the Electricity Act. No proper procedure was followed for the search and seizure.

On the other hand, learned counsel for the respondents submits

that upon checking, it was found that the upper plate as well as half body of meter was intentionally burnt. Due procedure was adopted during the entire proceedings.

Heard.

As per the Checking Report of M&T Lab., Yamuna Nagar on 02.11.2015, the burnt meter was opened in the presence of the petitioner and officials of the lab, wherein, it was observed thus:-

- “a) Checked the meter and found that upper plate as well as half body of meter is intentionally burnt.
- b) Opened the meter and retrieve its reading as 34165.8. Also CTs and PCB is in healthy condition. Thus it is a case of intentionally burnt of meter.”

During the proceedings, the meter was found burnt externally, whereas, the internal main parts which could cause damage to the meter were intact. The petitioner has also agreed with the checking report which is duly signed and received by him. Therefore, the allegations with regard to the theft of energy stand proved against him. Even otherwise, the appellate authority has already taken a lenient view by setting aside the assessment order for payment to the extent of 50%. Therefore, this Court is not inclined to grant any further relief to the petitioner.

Dismissed.

06.09.2018
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(JITENDRA CHAUHAN)
JUDGE

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