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

CWP No.15770 of 2018

Date of decision: July 12, 2018

Ram Kumar

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajeev Sharma (Raju), Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the order of assessment for the theft of electricity dated 25.06.2018 and also a notice of the even date by which the petitioner has been asked to compound the offence.

In brief, the petitioner has an electric connection of DS category bearing A/c No.S15RS122283P. It is alleged that on 22.06.2018, the checking team of the respondents had inspected the premises of the petitioner, in which the meter was installed, and submitted the following report:-

“During the checking, it is found that consumer has taken direct supply through 2/core black colour PVC and bypass the whole system. It is direct case of theft. All snaps and videography has taken.

Sd/- Sunil JE

Sd/- Ashish JE

Sd/- Anil AFM

Sd/- Arvind L.M.

Sd/- Satpal Singh”

It was also mentioned in the checking report that “witness, if consumer, refuses to signature”. As per the checking report, the consumer/petitioner was present but he refused to sign the checking report. Thereafter, the respondents, vide order dated 25.06.2018, assessed the damages to be paid by the petitioner on account of theft of electricity to the tune of

₹18,964/- and vide separate order of the even date, issued notice, informing him that the respondents have already lodged a police complaint after taking cognizance of the offence as per the provisions of the Electricity Act, 2003 (hereinafter referred to as the “Act”) but at the same time, he was asked to compound the offence in order to absolve himself from the criminal liability.

The only argument raised by the learned counsel for the petitioner is that Section 135(3) of the Act provides that *“the occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list”*, and that the petitioner was not present at the time when his premises was checked and it is mentioned in para 8(h) of the present petition that the electricity connection was installed in the Gher and the said premises was not being used by the petitioner.

On a pertinent question put by the Court that if the petitioner was not present at the time when his premises was checked/raided by the respondents, then where was he. There is no categorical reply except that the electricity connection was in the Gher.

I am not satisfied with the answer given by the counsel for the petitioner nor with the averments made in the writ petition as the petitioner, in order to wriggle out of his liability is trying to use Section 135(3) of the Act.

In view of the above, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

July 12, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No