

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18295 of 2018
Date of Decision:26.07.2018

Lal Singh

. Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sanjiv Ghai, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is aggrieved against the order of assessment dated 18.4.2014 and order dated 27.10.2016 passed by respondent No.2.

In brief, the premises of the petitioner was checked on 3.2.2014 at 4:15 PM and a case of suspected theft was found. The meter was checked in the presence of the petitioner and was removed for examination in M&T lab and a notice was given to the petitioner on 26.4.2014 for his presence in the M&T Lab on 4.3.2014 at 10:00 AM. The petitioner endorsed on the said notice that he is not in a position to come to the M&T lab on the said date due to previous engagements. Therefore, again a notice was given to him on 10.3.2014 to remain present on 11.3.2014, followed by another notice dated 12.3.2014 to remain present in the M&T lab on 18.3.2014 and then on 25.3.2014, another notice was given to him to remain present on 27.3.2014. On all the earlier dates, the petitioner was making one excuse or the other showing his inability to be present at the time of checking of the meter.

There is a report dated 27.3.2014 of the meter reader Ram Lal, who delivered the notice No.1952 dated 25.3.2014 to the petitioner, in the evening, at his residence and on 27.3.2014, the petitioner was contacted on his mobile phone from the lab to come present. Therefore, the petitioner cannot make the grouse that he has not been given a notice for associating him at the time of examination of meter in the M&T lab. Ultimately, the meter was checked and a case of theft was found. On the checking of the meter, it was found that as per M&T record, the seals were provided on the meter are C-841917-918 whereas existing seals found on the meter are C-060195 & C060194, which shows that the seals found on the meter are fake and not genuine and thus it was a case of theft of energy.

After receipt of the checking report from the M&T Lab, Yamuna Nagar, procedure prescribed in sale circular No.U-60/2013 was followed and the Superintending Engineer (OP), UHBVN, Yamuna Nagar passed a detailed order that a case of theft has been made out against the petitioner.

Learned counsel for the petitioner has argued that the checking of meter was conducted on the complaint of the petitioner himself because the meter was showing abnormal reading, therefore, he cannot be held to be indulging in the theft of electricity. This argument cannot be accepted because the respondents have found the theft of electricity on the basis of consumption pattern etc. and on the basis that the seals on the meter were not those which were issued by the respondent/Department and were fake. It is for the petitioner to give a satisfactory reply about the change of seal but no such reply has been given, therefore, it has been found to be a case of theft of energy on the part of the petitioner.

In view of the aforesaid facts, there is no ground for interference in this petition.

Dismissed.

26.07.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

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