

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

CWP-2227-2017

Date of decision-28.08.2018

Ram Kishan

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S.Momi, Advocate for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

None for respondent Nos.2 to 4.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of certiorari for quashing of assessment order dated 01.07.2016 (Annexure P-12) passed by Sub Divisional Officer, Cheeka whereby an amount of ₹82,200/- has been ordered to be recovered from the petitioner.

Learned counsel for the petitioner contends that the impugned assessment order dated 01.07.2016 (Annexure P-12) is illegal and arbitrary. Neither the petitioner was given opportunity of hearing nor it was written on the notice to file objection within the specific time. The petitioner has been directed to deposit the amount by the Department despite the fault of the Department because the first assessment order dated 26.04.2014 (Annexure P-2) itself shows that the premises of the petitioner was inspected by the

officers of the Department on 25.04.2014 and the petitioner has been penalized for no fault of him.

Learned State counsel submits that reply on behalf of respondent No.1-State is not necessary as respondent Nos.2 to 4 are the contesting respondents.

In the reply, filed on behalf of respondent Nos.2 to 4, it has been averred that after inspection dated 25.04.2014, the petitioner was issued an order of assessment dated 26.04.2014 for ₹2,00,135/- on account of theft under Section 135 of Electricity Act, 2003. The matter was settled out of Court and the petitioner had compounded the offence as per the scheme of Nigam circulated vide sales circular No.U-15-2016 dated 29.03.2016 and paid a sum of ₹40,584/- vide receipt No.451340002408 dated 20.04.2016 and the connection was installed in the premises. Thereafter, on 25.06.2016, officials of department again visited the premises of the petitioner situated at Nahar, Milk Diary, Cheeka and found the petitioner using direct supply of electricity from main L.T.Line of 200 KVA T/F near Nahar Colony Cheeka through 2 core black cable PVC. Thereafter, on 01.07.2016, the petitioner was again served with order of assessment for the offence under Section 135 of the Electricity Act, 2003 on 01.07.2016 vide memo No.SDCHK/2016/425 dated 01.07.2016 for ₹82,200/-.

Heard.

Admittedly, the petitioner was found guilty and a penalty of ₹2,00,135/- was imposed upon him vide order dated 26.04.2014. In respect of the same, the petitioner settled the dispute with the Department and

deposited an amount of ₹40,584/- against receipt No.451340002408 dated 20.04.2016. Thereafter, again the petitioner was found guilty of electricity theft and vide order dated 01.07.2016 a penalty of ₹82,200/- was imposed upon him. With regard to theft, an FIR No.768 dated 05.07.2016 has already been registered against the petitioner. In the circumstances, no fault can be found with the impugned assessment order dated 01.07.2016 (Annexure P-12) passed by respondent No.4.

In view of the above, this Court finds no merit in the present petition and the same is hereby dismissed.

(JITENDRA CHAUHAN)
JUDGE

28.08.2018

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