

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23227 of 2018
Date of Decision:13.09.2018

Ess Jay Card Board

..... Petitioner

Vs.

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Amit Dhawan, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the judgment and decree passed by the Additional District Judge, Jalandhar by which the suit filed by it against the demand raised by the respondents in respect of theft of electricity has been dismissed.

In brief, the petitioner is a proprietorship firm. The said firm is in manufacturing of cardboard and is having electricity connection bearing A/c No.MS36/0010. According to the petitioner, its' premises was checked on 8.1.2018 by the Addl. S.E. (Enforcement), Nawanshahr and ECR No.044/86 was issued to it on the same day. The meter was thereafter removed for its checking of theft in the ME-Lab, Nawanshahr where it was checked on 09.01.2014 and theft was allegedly found. The petitioner was served with a notice dated 13.01.2014 to deposit ₹41,69,434/- towards the amount to be recovered on account of theft and ₹7,90,000/- on account of compounding charges. The petitioner filed a review/appeal on 15.01.2014 and ultimately filed the petition under Section 154(5) of the Electricity Act,

2003 [for short 'the Act'] before the Special Judge. The stand taken by the respondents before the Special Judge was that the meter was checked in the M.E. Lab on 09.01.2014 in the presence of Kunwar Singh, representative of the petitioner, who did not raise any objection. It is also stated that the amount has been assessed for the last 12 months as per the regulations. On the pleadings of the parties, the Special Judge framed as many as nine issues. The parties led their both oral as well as documentary evidence and the Special Judge discussed issue No.1 & 2 together. The petitioner has alleged that the suit property was on rent with Kunwar Singh, who had been tried in FIR No.27 dated 12.1.2014 registered against him at Police Station Anti Power Theft, Jalandhar in which he has been acquitted on 04.10.2016 holding that Kunwar Singh was the employee of the petitioner and not the tenant. The petitioner has tried to build its case on this aspect that once Kunwar Singh has been acquitted, therefore, it is absolved of its liability but the Special Judge has categorically held that the respondents have complied with the regulations while checking the meter in the M.E. Lab and at that time Kunwar Singh, who happened to be the representative of the petitioner, was present and did not raise any kind of objection about the procedure adopted for testing and the report as well.

After hearing learned counsel for the petitioner in detail and keeping in view the aforesaid facts and circumstances, I do not find any illegality in the impugned order for the purpose of interference and hence, the present petition is hereby dismissed. No costs.

13.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No