

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

**CWP No. 7282 OF 2013 (O&M)
DECIDED ON : 10.12.2018**

Anil Sharma

...Petitioner

versus

**Punjab State Power Corporation Limited
and others**

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B. D. Sharma, Advocate,
for the petitioner.

None for the respondent.

ARUN MONGA, J. (ORAL)

In an earlier round of litigation before this Court, the petitioner had impugned Assessment Order dated 16.11.2011 whereby penalty of ₹78,688/- was imposed on the ground of theft of electricity from the meter installed at the premises of petitioner, as also on the ground of use of excess load i.e 4.5 KW, as against granted load of 2 KW. There was also allegation of tampering with the meter.

2. This Court while disposing of that writ petition bearing CWP No.22269 of 2012 on 08.11.2012 observed that there was no merit to the challenge of assessment order. However, it was observed that since no break-up was given while passing the assessment order, in this view of the matter, the Court had directed the Assessing Officer to look into this aspect and in case

it was found that the petitioner was entitled to benefit of adjustment of any money, then the benefit be given to him. Pursuant thereto, a fresh Assessment Order dated 25.03.2013 (Annexure P-8) was passed, which has been impugned in the present writ petition and the primary ground of challenge is on the same terms, as were raised in the earlier writ petition which was disposed of by this Court vide order dated 08.11.2012.

3. Learned counsel for the petitioner contends that the procedure prescribed in the The Electricity Act, 2003 (hereinafter referred to as "the Act") particularly Sections 166 and 167 would require the meter to be tested by ME Lab which has not been done in this case and therefore, the demand of assessment made by the respondents is unsustainable. The other grounds, raised again have already been rejected by this Court in the order dated 08.11.2012. The relevant extract of same is reproduced herein below :

" On the consideration of the matter, I am of the opinion that the appellate authority has not held the petitioner liable on any other count except on the ground that he was found operating the load of 4.5 KW as against the sanctioned load of 2 KW. The inference of the increased power consumption was evident from the consumption data sheet. In this view of the matter, the contention regarding the testing of meter in ME Lab is insignificant for the reason that even though tampering of meter was alleged, but the authorities proceeded to determine the liability of the petitioner on the ground of having increased load as

against the sanctioned load.”

4. No other argument has been advanced while challenging the fresh assessment order. The order dated 08.11.2012 attained finality, so this Court cannot again go into the issue raised in the earlier writ petition.

5. In this view of the matter, I do not find any merit in the present writ petition, as pursuant to order passed by this Court, break-up of the assessment has been given vide impugned order and the said break-up is not under challenge. Accordingly, the present writ petition is dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

DECEMBER 10, 2018

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1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No