

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.7855 of 2018
Date of Decision:07.05.2018

Jawahar Lal

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sunil Polist, 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 dated 13.3.2018 whereby the application filed by the petitioner dated 8.2.2015 has been rejected.

Learned counsel for the petitioner has submitted that the premises of the petitioner was checked on 22.3.2002 and he was found indulging in theft of electricity. The respondents had registered FIR against the petitioner in respect of the theft of electricity and at the same time the petitioner had challenged the order of recovery of ₹42,225/- before the Consumer Dispute Redressal Forum, Kaithal [for short 'the Forum']. The Forum dismissed the application of the petitioner on the ground that the petitioner has been found using unauthorized load and indulging in malpractice and observed that the penalty has rightly been imposed upon the petitioner. The said order was upheld upto the Supreme Court. The petitioner thereafter filed a suit for declaration challenging the recovery by the respondents on the

ground of fraud, which was also dismissed upto this Court when RSA No.6138 of 2016, filed by the petitioner before this Court, was dismissed.

Learned counsel for the petitioner submits that only FIR No.136 under Section 379 of the Indian Penal Code, 1860 and Section 39 of the Electricity Act, 2003 at Police Station, City Kaithal was registered against the petitioner in which he has been acquitted. The petitioner had allegedly moved an application for out of Court settlement relying upon the Sales Circular No.U-51/2017 and Sales Circular No.U-53/2017. The said application has however, been dismissed on the ground that it cannot be considered as the case has already been decided in favour of the Uttar Haryana Bijli Vitran Nigam.

Learned counsel for the petitioner has argued that the scheme of out of Court settlement of pending Court cases/arbitration cases was floated vide Sales Circular No.U-51/2017 and has referred to Clause 14 of the said Scheme to contend that it would be applicable to the petitioner because he has deposited 50% of the amount due.

I have heard learned counsel for the petitioner and after perusing the record, am of the considered opinion that there is no merit in the arguments of the counsel for the petitioner because the scheme for out of Court settlement of the pending Court cases/arbitration cases was circulated by Sales Circular U-51/2017 of which Sales Circular No.U-53/2017 is an extension. The said scheme has been floated for out of court settlement of pending court cases/arbitration cases whereas in the present case there is no case pending because the petitioner had already lost, in regard to his liability against the respondents, upto the

Supreme Court when he had filed application before the Forum,
therefore, the present petition is totally misconceived.

Dismissed.

07.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

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