

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

FAO No. 2943 of 2018(O&M)

Date of Decision: June 05 , 2018.

M/s Kataria Trading Company and another APPELLANT (s)

Versus

Punjab State Power Corporation Limited and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Deepak Sabherwal, Advocate
for the appellants.

Mr. Sahil Sharma, Advocate
for the respondents

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed for setting aside order dated 25.05.2018 passed by the learned Additional District Judge, Jalandhar limited to the extent of imposition of 50% of the penalty amount for restoration of the electricity connection of the appellant. The appellant has further restricted his claim to the extent that he does not challenge the amount/sum of penalty but seeks permission to deposit the amount of 50% of the penalty amount in installments. Notice of motion was issued in this case while taking note of the appellant's submission.

Learned counsel for the appellants submits that CRM No.M-24762 of 2018 was filed by appellant No.2 (proprietor of appellant No.1-firm) seeking anticipatory bail in FIR No.406 dated 26.04.2018 under Section 135 Electricity Act, 2003, Police Station Anti Power Theft, Jalandhar. Appellant No.2 has undertaken to deposit a sum of ₹10,00,000/- on or before 07.06.2018 and thereafter another sum of ₹10,00,000/- on or before 07.07.2018 towards the amount of penalty.

Appellant No.2 present in Court (duly identified by his counsel), undertakes that 50% of the penalty amount in terms of decision dated 25.05.2018 passed by the learned Additional District Judge, Jalandhar shall be deposited in four monthly installments of ₹10,00,000/- each and the last installment would be of ₹11,14,994/-. Appellant No.2 undertakes to abide by his undertaking in CRM No. M-24762 of 2018. Each installment, it is stated, shall be deposited by the 7th of each month. The first installment of ₹10,00,000/- would be deposited on 07.06.2018.

Learned counsel for the respondents, on instructions from Inderjit Singh, XEN, Jalandhar who is present in Court, submits that there is no objection by the department, in case the appellants abides by the undertaking given by him before this Court as well as in CRM No.M-24762 of 2018. On deposit of the first installment of ₹10,00,000/- on 07.06.2018, the electricity connection shall be restored. However even on a single default in the deposit as above, electricity connection shall be immediately disconnected without any notice.

In view of the specific stand of the respondents, the appellant is permitted to deposit 50% of the penalty in four installments of ₹10,00,000/- each

and the fifth installment of ₹11,14,994/- by the seventh of each month. The first installment shall be deposited on or before 07.06.2018 upon which the electricity connection be restored. However in case of any default on the part of the appellant, the respondents are at liberty to disconnect the same.

With modification as above in order dated 25.05.2018 passed by the learned Additional District Judge, Jalandhar, this appeal is disposed of.

June 05 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No