

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

**106**

**RSA-2706-2016 (O&M)  
Date of Decision : 10.07.2018**

Kishan Beer

..... Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd.

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. Ajit Malik, Advocate  
for the petitioners.

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**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the plaintiff-appellant. The plaintiff-appellant had filed a suit for declaration and permanent injunction challenging the checking report and penalty and notice for compounding issued by the respondent.

The admitted facts are that on 28.06.2012 the officials of the respondent had removed the meter in the presence of the appellant and the said meter was later checked also in his presence and it was found that the seals were removed, some screws were missing and the plate was easily separable from the body. On the basis of this, the penalty was imposed upon the plaintiff-appellant as per the sanctioned load and compounding fee was also demanded. Both the courts below held that once these essential facts were admitted the suit of the plaintiff-appellant that the checking report was illegal or that the penalty could not be imposed or that compounding charges could not be levied deserve to be dismissed.

Counsel for the appellant has vehemently argued that merely by tampering theft is not proved. I am not impressed with this argument. The purpose of tampering is to commit theft only and for no other reason. The Regulation permit this action. Once the appellant is not in a position to deny that he had in fact tampered with the meter, he can not raised these hyper technicalistic arguments.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**July 10, 2018**  
*ashish*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No