

**Review Application No.40-2016 in
LPA-231-2016**

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

**Review Application No.40-2016 in
LPA-231-2016**

Date of Decision: May 23, 2018

Haryana Vidyut Prasaran Nigam

.....Appellant

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Puneet Jindal, Sr.Advocate with
Mr.Amandeep Singh Meho, Advocate
for the review-applicant-appellant.

Mr.Arun Nehra, Advocate with
Mr.Sant Kashyap, Advocate for respondent Nos.1 and 4.
Mr.Suvir Sehgal, Sr.Standing counsel with
Mr.Akshay Sethi and Mr.Vikas Chatrath, Advocates
for UT, Chandigarh.

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SURYA KANT, J.

The *Letters Patent* Appeal preferred by Haryana Vidyut
Prasaran Nigam was dismissed vide judgment dated 27.07.2016 and the
order of the learned Single Judge was upheld primarily on the grounds that-
(i) there are disputed questions of fact involved, which cannot be ordinarily
adjudicated in writ proceedings; (ii) M/s Bhushan Industries, who allegedly
committed theft of electricity in collusion and connivance with Officers of

Electricity Department of UT, Chandigarh, was not a party-respondent; and

(iii) there was no specific quantification of the loss by any Forum etc..

[2] The appellant now seeks review of the above-stated decision on the ground that subsequent thereto, the CBI Court, Chandigarh vide judgment dated 02.09.2016 has held some of the Officers/officials of the Electricity Department of UT, Chandigarh and BBMB, guilty of committing offences under the Prevention of Corruption Act, 1947, Section 120-B IPC and Sections 39 and 39-A of the Indian Electricity Act, 1910. These criminal proceedings pertain to the same incident of alleged theft of electricity committed by M/s Bhushan Industries in collusion and connivance with the Officers of UT Administration/BBMB. It is, thus, alleged that in view of the finding of guilt having been returned by the CBI Court, this Court may recall the judgment under review.

[3] Having heard learned counsel for the parties at considerable length, we are of the view that no case to review the judgment dated 27.07.2016 is made out. Suffice to observe that if on the basis of finding of fact returned by a Court of competent jurisdiction (subject to right to appeal etc. of the affected persons), the review applicant/appellant is entitled to claim any compensation/damages or loss etc., it shall be at liberty to approach the appropriate Forum for the said purpose. In case of objection re: limitation is raised, the review-applicant shall also be at liberty to seek its condonation on the plea that the proceedings remained pending before this Court at different levels. Such a plea shall be decided by the appropriate Forum after hearing the parties and in accordance with law. We clarify that

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we have not expressed any views on merits in relation thereto.

**(SURYA KANT)
JUDGE**

May 23, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |