

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 2994/2019**

MSEDCL & anr.

..VS..

Ikramul Huq K. Ansari

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri S.D. Zoting, Advocate for the petitioner(s)  
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**CORAM : Z.A.HAQ, J.**

**DATED : 18/07/2019**

Heard.

The petitioners have challenged the award passed by the permanent Lok-Adalat holding that the respondent (Consumer) is liable to pay Rs. 5,20,000/- and not Rs. 10,89,514/- as demanded by the petitioners. The panel of the Lok -Adalat has dealt with the relevant aspects in para no. 8 of the impugned award as follows:-

*“The theft assessment was done as per provision of section 126 of the Electricity Act 2003. The duration of unauthorised use of electricity has taken from the month of August 2016 to July 2018 i.e. for 24 months. In fact the respondent does not know specifically as to since when the unauthorised use of electricity has been commenced. The respondent might have revealed this unathorised use of electricity either in the month of August or September 2018. It is settled position that if the unauthorised use of electricity has*

*taken place then the period during which such unauthorised use of electricity has taken place cannot be ascertained then such period shall be limited to a period of 12 month immediately preceding from the date of inspection. For this provision of section 126 of the Electricity Act is relevant. By any stretch of imagination the assessment cannot exceed more than 12 months if commencement of unauthorised use cannot be ascertained. Therefore the assessment bill of Rs. 10,89,514/- is arbitrary and without any basis, being assessment period was of 24 months. The respondent can legally consider 12 months period for assessment. In that scenario the respondent is entitled to the half of the amount to the assessment bill of Rs. 10,89,514/ which comes to Rs. 5,44,757/-”*

Even otherwise, scope for interfering with the award passed by the Lok – Adalat is very limited. The petitioners have not been able to point out any error of jurisdiction in the impugned award which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

**JUDGE**

*Ansari*