

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

**CWP NO. 11556 OF 2015
DATE OF DECISION : 03.07.2019**

M/s Ganpati Shree Rice Mills

...Petitioner

versus

**Punjab State Power Corporation Limited
and others**

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashwani Talwar, Advocate,
for the petitioner.

Ms. Meena Bansal, Advocate,
for the respondent-PSPCL.

ARUN MONGA, J. (ORAL)

Impugned herein, inter-alia, are the assessment orders dated 14.08.2012 (Annexure P-1), 13.09.2012 (Annexure P-2) and dated 19.09.2012 (Annexure P-3) respectively, whereby the payment of ₹5,75,136/- was demanded raised from the petitioner-company on account of committing theft of electricity.

2. During the pendency of writ petition, in collateral criminal proceedings instituted before the Special Court, the petitioner has been convicted for having committed theft of electricity and sentenced to undergo rigorous imprisonment for one year and also to pay fine of ₹10,95,846/-. The said order is under challenge before this Court by way of criminal appeal bearing No. CRA-S-4019-SB of 2017.

3. Learned counsel for the petitioner submits that the said appeal has been admitted and will be heard in its due course.

4. On the other hand, learned counsel for the respondent-

PSPCL submits that the present writ petition is not maintainable as the civil remedy to quash the assessment orders is also available under Section 154 of the Electricity Act, 2003, particularly Sub-Section 6 of the Act and the fate of same, in any case, will be determined after the decision of criminal appeal pending before this Court. Section 154 (6) reads as under :-

"(6) In case the civil liability so determined finally by the Special Court is less than the amount deposited by the consumer or the person, the excess amount so deposited by the consumer or the person, to the Board or license or the concerned person, as the case may be, shall be refunded by the Board or license or the concerned person, as the case may be, within a fortnight from the date of communication of the order of the Special Court together with interest at the prevailing Reserve Bank of India prime lending rate for the period from the date of such deposit till date of payment."

5. I am in agreement with the aforesaid submissions of learned counsel for the respondent-PSPCL. In the premise, the writ petition is dismissed with liberty to the petitioner to agitate his cause qua the civil remedy available to him as per Section 154 of the Act, *ibid*.

(ARUN MONGA)
JUDGE

JULY 03, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No