

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 13.11.2019****CWP No.2503 of 2017 (O&M)**

Punjab State Power Corporation Ltd. & others

...Petitioners

Vs.

Manjit Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Meena Bansal, Advocate, for the petitioners.

Mr. Vikas Gupta, Advocate, for respondent No.1.

RAJIV NARAIN RAINA, J. (ORAL)

This Court refrains from making any comment on the merits of the case since it is convinced on hearing counsel at length that the order (Annex P-5) passed by the Sub Divisional Magistrate -cum- Assistant Collector, Ist Grade, Tarn Taran (Annex P-5) against the checking report and the Bill -cum- show cause notice (being the assessment order), deserves to be quashed on the short ground that the order is fatally non-speaking. Neither does it deal with the basic building block, i.e. the checking report or addresses the defences taken in the grounds of appeal. Relevant factors have not been considered in the sketchy and arid order. The Appellate Authority summed up the case without recording any reasoning after briefly noticing the reply of the Corporation. The only scant reasoning, or an apology for it, it was capable of producing, is sadly is to the following effect:

“After hearing both the parties, it was found that theft of electricity by the appellant as alleged by the respondent is proved wrong. Therefore, this appeal has been accepted and respondent is being directed to refund the half of the amount

or adjust the amount in future bills out of the demanded amount. The file may be sent to the record room.”

In the absence of reasons recorded to reach the conclusion arrived at on the basis of material on record, the order (Annex P-5) cannot stand or be legally sustained and is consequently set aside. The case is remanded to the Sub Divisional Magistrate, Tarn Taran to pass a fresh and well reasoned speaking order strictly in accordance with law after dealing with the evidence on record threadbare.

Accordingly, the petition is partly allowed.

Parties to appear before the Sub Divisional Magistrate, Tarn Taran on December 16, 2019.

13.11.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No