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

CR-327-2021 (O&M)

Date of Decision: 06.09.2021

Baljeet ...Petitioner

Versus

Utter Haryana Bijli Vitran Nigam Limited and another …..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Renu Dhull, Advocate, for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The present revision petition has been filed to set aside the order dated 01.02.2021 passed by learned Additional District Judge, Kaithal, whereby, the appeal filed by the petitioner against order dated 17.12.2020 passed by learned Additional Civil Judge (Senior Division), Kaithal, in Civil Suit No.190 of 2020, has been dismissed.

2. Learned counsel for the petitioner submits that the civil suit filed by the petitioner for declaration and injunction along with application of temporary injunction before the trial Court has been dismissed and thereafter, the appeal filed against the said order dated 17.12.2020 has also been dismissed without appreciating the sale circular notices U-60-2013 and U-56-2013 of Utter Haryana Bijli Vitran Nigam Limited. Hence, the revision petition.

3. Heard.

4 From perusal of the impugned order vis-à-vis the record appended herein, the position that emerges is, that plaintiff-petitioner in his pending suit has *inter alia* challenged an assessment report *qua* the consumption of electricity, alleging that theft charges and compounding fee have been wrongly assessed in the said report. The petitioner claims that the assessment has not been made as per Sale Circular No. U-60-2013 issued by the Utter Haryana Bijli Vitran Nigam Limited. The petitioner claims that if the said circular is properly applied then the assessment qua the electricity consumption would be to the tune of ₹ 6,000/- and not ₹ 28,326/-. Further the petitioner claims that even the compounding fee has not been assessed as per another Sale Circular No. U-56-2013 and the same ought to have been only ₹ 4,600/- and not ₹ 6000/- as has been stated in the impugned assessment report.

5. Be that as it may, the learned Appellate Court having perused the impugned assessment report dated 26.06.2020 came to the opinion that theft charges and the compounding charges have not been discussed in the impugned report. The same were, in fact, conveyed separately vide an assessment order vide memo no.SD2KU/2020/62 dated 01.07.2020 and another notice vide memo no.SD2KU/2020/63 again of the same date i.e. 01.07.2020.

6. As an upshot of the aforesaid, I do not find any grounds to interfere in the observations made by the Courts below. Of course, the observations of the Appellate Court are *prima facie* in nature. Being so, injunction application of the plaintiff has been rightly dismissed by both the Courts below.

7. However, it is made clear that any payment made by the plaintiff during pendency of the suit proceedings, shall be subject to the final outcome of the trial.

8. Dismissed.

06.09. 2021 **(ARUN MONGA)**
Gurpreet/vs **JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No