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

CWP No.6190 of 2015

Date of Decision: 06.05.2022

SATISH GARG

.....Petitioner

Vs

UTTAR HARYANA BIJLI VITRAN NIGAM LTD AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. P.S. Poonia, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

During course of arguments, it has been found that the petitioner has already deposited the entire amount without prejudice to his right at the time of decision of this petition on merits.

Admittedly, it is a case of suspected theft of electricity.

Sales circular dated 13.07.2007 as relied by the petitioner and regulation 7.8.3 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulation 2014 as relied by learned counsel for the respondents provide for detailed examination of the evidence and consumption pattern of the consumer before declaring the case of theft of

electricity.

Perusal of letter dated 26.02.2015 issued by the Executive Engineer, OP/Divn. Pehowa to the SDO (OP) S/Divn. UHBVN, Pehowa would show that the case has been found to be theft of energy primarily on the basis of tempered seals only.

In view of aforesaid factual position, I deem it appropriate to set aside the impugned order dated 05.03.2015 and remand this case to the designated authority to pass fresh assessment in terms of applicable regulation.

Since the entire amount has already been deposited by the petitioner, therefore, in case the designated authority finds that it is not a case of theft of electricity, then the amount so deposited by the petitioner may be adjusted towards future consumption bills in accordance with law.

Petition stands disposed of.

May 06, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No