

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

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**CWP-22875-2022 (O&M).
Date of Decision: 30.09.2022.**

Princepal Singh

... Petitioner

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing of show cause notice issued vide Memo No.869 dated 08.08.2022 (Annexure P-5) under the provisions of Regulation 37 of Supply Code – 2014 and Section 135 of the Electricity Act, 2003 for theft of electricity assessment against compounding. A further prayer for issuance of a writ in the nature of mandamus seeking direction to respondent No.3 to restore the electricity connection of the petitioner has also been made.

Learned counsel appearing on behalf of the petitioner contends that during the inspection even though the meter was found to be in a broken condition and a finding is recorded that the same occurred due to

tempering of yellow thimble and yellow wire was found missing. He contends that the tempering of the internal circuit of the meter was not due to any act on the part of the petitioner and was rather due to high voltage having gone into the meter. He thus submits that he cannot be held liable for the said act which is beyond the control of the petitioner.

It is, however, not disputed that it has been pointed out in the aforesaid show cause notice that in the event of the petitioner seeking compounding of the offence as per the assessment so made under the regulations, the proceedings towards registration of the FIR shall be withdrawn. The petitioner has raised a challenge to the aforesaid show cause notice.

The reliance on the inspection report may not be conclusive evidence to determine whether theft has taken place or not and it is at times possible only after checking of the meter. The causes of such fluctuation and as to whether the same was deliberate or by chance cannot be gone into by the High Court in the exercise of judicial review of the show cause notice.

Disputed questions of fact regarding the factum as to whether a case of theft of electricity is made out or not, are involved which can be adjudicated upon by the competent Court, in the event the petitioner does not seek compounding. However, so far as the grievance regarding reconnection of the electricity is concerned, the petitioner is at liberty to approach the concerned authorities in accordance with law.

Needless to mention that the authorities shall take all such necessary measures as are required in the event of the petitioner approaching them as per law.

Petition stands disposed of accordingly.

September 30, 2022.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No