

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CWP-8355-2023

Date of decision: 21.04.2023

DALBIR SINGH @ DALBIR SINGH YADAV

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Jagmohan Ghumman, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vivek Chauhan, Advocate
for respondents No. 2 to 5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing of the order dated 13.04.2023 (Annexure P-1) whereby the respondents have conveyed the assessment on account of theft under Section 155 of the Electricity Act, 2003.

During the course of the argument, learned counsel appearing on behalf of the petitioner gives up his challenge to the above notice and contends that the provisions of electricity act mandate that for seeking restoration of the electricity supply, the consumer is required to deposit the amount as assessed. He contends that the petitioner had approached the respondent-authorities for depositing the assessed amount so as to seek restoration of the disconnected electricity

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supply. However, the respondent-authorities are not accepting the deposit. Consequently, the electricity supply to the petitioner is not being restored. He undertakes that he shall deposit the amount as assessed and conveyed to the petitioner within a period of one week of the same being being communicated and that the electricity supply to the petitioner be restored without prejudice to the rights of the respective parties.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent No.1 and Mr. Vivek Chauhan, Advocate accepts notice on behalf of respondents No.2 to 5 and have no objection if the aforesaid prayer is allowed.

Accordingly, the present petition is disposed of with liberty to the petitioner to approach the respondent-distribution licensee for depositing the entire assessed amount without prejudice to the respective rights of the contesting parties and upon such tender, the electricity supply to the premises of the petitioner shall be restored by the respondent-Distribution Licensee in accordance with the Electricity Act, 2003.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 21, 2023
Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No