

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

126

CWP-8670-2023

Date of Decision: 26.04.2023

HARJINDER SINGH

... Petitioner

VERSUS

PUNJAB STATE POWER CORP LTD AND ORS

... Respondents

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

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Sandhya Gaur, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition raises a challenge to the show cause notice as well as assessment order dated 19.04.2023 (Annexure P-16) issued by the respondents pursuant to the inspection carried out 18.04.2023 alleging the theft of energy and conveyed a demand of Rs.28,45,001/- under Regulation of 37 of the Electricity Supply Code read with Section 135 of The Electricity Act, 2003.

The assessment in question has been done under Section 135 (1-A) of The Electricity Act, 2003 for restoration of the electricity supply to the premises of the petitioner. The scheme of the Act of 2003 does not empower the officials to determine the civil liability and the assessment is for a defixed object i.e. for restoration of supply and for conveying the compounding charges, if the consumer so seeks compounding of offence. The determination of the civil liability is to be done under the provisions of The Electricity Act, 2003 by the Special Court.

Learned Counsel for the petitioner submits that he does not intend to press the instant petition at this stage and shall take all his pleas before the appropriate Forum in accordance with law, however, the electricity supply to his premises may be restored expeditiously.

He further contends that the petitioner shall approach the respondents alongwith the amount as assessed by them and upon deposit of the same within a period of two weeks from today, the respondent-Authorities may be directed to restore the electricity supply to the premises of the petitioner, without prejudice to his rights.

The present petition is accordingly disposed as not pressed at this stage with liberty to the petitioner to approach the respondent-Authorities with an offer to deposit the amount as assessed and demanded by the respondent-Authorities within a period of two weeks from today. In the event of the petitioner, depositing the aforesaid amount, without prejudice to his rights, the electricity supply to the premises of the petitioner shall be restored immediately without any delay and preferably within a period of two days thereafter.

26.04.2023
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(VINOD S. BHARDWAJ)
JUDGE

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