

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

209

CWP-12834-2018  
Date of Decision: 23.11.2023

KRISHAN KUMAR

... Petitioner

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD AND ORS

... Respondents

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

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Present: Mr. Sandeep Goyal, Advocate  
for the petitioner.

Mr. Prateek Gupta and Mr. Nitin Gupta,  
Advocates for the respondents.

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**VINOD S. BHARDWAJ, J. (ORAL)**

Challenge in the present petition is to the checking report dated 06.10.2017 (Annexure P-2), assessment order memo No.SDNAR 2018/167 dated 05.03.2018 (Annexure P-3) vide which penalty of Rs.17,523/- has been imposed by respondent No.3 Sections 135 and 152 of The Electricity Act, 2003.

On being confronted with the fact that the question of checking report and as to whether a case under Section 135 of The Electricity Act, 2003 were made out or not and that the said dispute shall be challenged before the Special Court as it involves disputed questions of facts as well as the fact that the assessment conveyed to the petitioner is amenable to appellate jurisdiction as per the notification issued by the respondents and the said order of assessment having not been challenged, the same cannot be re-examined at this stage by the High Court, counsel for the petitioner does not press the present petition and seeks withdrawal of the same so as to pursue his alternative remedies and to take all pleas available to him before the competent Forum, in accordance with law.

Counsel for the respondents have no objection to the same.

Disposed of as withdrawn with the liberty as aforesaid.

The amount of Rs.10,000/- deposited by the petitioner in compliance of the order dated 21.05.2018 is ordered to be adjusted towards the dues demanded by the respondents as per the notice served upon the petitioner and subject to the final outcome of the proceedings/alternative remedy availed, if any, by the petitioner.

NOVEMBER 23, 2023  
*rajender*

(VINOD S. BHARDWAJ)  
JUDGE

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