

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

205

2023:PHHC:129102
CWP-16121-2018 (O&M).
Date of Decision: 05.10.2023.

AMIT KUMAR

.. Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.. Respondents

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

PRESENT Mr. Ashok Kumar Viridi, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondent No.1.

Mr. R.S. Longia, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

CM-1220-CWP-2020

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record the replication to the written statement filed on behalf of all the respondents.

The application is allowed subject to all just exceptions.

Replication is taken on record.

The Registry is directed to tag the same at appropriate place.

Main case

Challenge in the present writ petition is to the assessment order and compounding charges communicated to the petitioner vide Communication dated 14.06.2018.

Learned counsel for the petitioner during the course of arguments submits that so far as the compounding charges prescribed under Section 152 of the Electricity Act, 2003, are concerned, the same have already been deposited and the dispute now pertains only to the assessment of civil liability under Section 139 of the Electricity Act, 2003, communicated to the petitioner by the respondents as the same has not been assessed/demanded in terms of the Regulations notified and the formula as approved in the Electricity Supply Code notified by the Haryana Electricity Regulatory Commission.

In the response filed by the respondents, they have referred to Sale Circular U-33/2017 dated 04.09.2017 as per which a remedy of appeal in cases of theft of electricity under Section 135 of the Electricity Act, 2003, in relation to only the assessed amount has been notified.

In view of the aforesaid alternative remedy having been prescribed, learned counsel for the petitioner does not press the instant petition and seeks withdrawal of the same so as to avail his alternative remedy of appeal in terms of Sale Circular No.U-33/2017

Disposed of as withdrawn with liberties as aforesaid.

Needless to mention here that in the event of petitioner filing any such appeal, the period during which the present petition has remained pending before this Court shall be taken into consideration while computing the limitation.

October 05, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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