

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

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**CWP-29725-2019
Date of decision: 18.01.2023**

HARSIMRANDEEP KAUR @ HARSIMRAN KAUR

.....Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ANOTHER

.....Respondents

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

Present:- Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Mr. Sukhsharan Sra, Advocate for
Mr. Abhilkash Grover, Advocate
for the respondents-PSPCL.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking quashing of the communication dated 30.04.2019 (Annexure P-2) passed by the respondent No.2 whereby the petitioner has been conveyed a provisional assessment of Rs. 42,329/- for alleged theft of electricity.

2. Learned counsel for the petitioner contends that the said order has been passed without affording any opportunity of hearing to the petitioner.

3. Per contra, counsel appearing on behalf of respondent-PSPCL

contends that the present petition is misconceived as inspection of the premises of the petitioner was undertaken on 30.04.2019 and during the said inspection, it was noticed that outgoing PVC wire of the meter was taken out from the terminal and direct wire had been taken from the bushes of transformer to run the supply to the house. Memorandum of inspection was thereafter submitted on 30.04.2019 but the same was not received by the petitioners. Finding a prima facie case of pilferage of electricity, an FIR has also been lodged with the police. As per regulation 37.2.1 of the Electricity Supply Code, 2014, the assessed amount under regulation 37 was worked out at Rs. 42329/- and the compounding charges of Rs. 15,510/- were also assessed. The petitioner was called upon to deposit the said amount within a period of 15 days as per regulation 37.2.3 (a) and that in case the petitioner deposited the said assessed amount alongwith compounding charges, no further legal proceedings would be initiated against him as per provisions of Section 152 (2) of the Electricity Act, 2003 and the FIR already registered shall be withdrawn. It is submitted that the assessment has been undertaken in terms of the procedure prescribed under Regulation 37 of the Electricity Supply Code, 2014 and that there was a prima facie suspected case of theft of electricity under Section 37.1.7 of the Electricity Supply Code, 2014 whereupon the assessment has been undertaken under regulation 37.2.2. It is averred that in the event the petitioner chooses not to respond to the show cause notice or to submit any reply to the satisfaction of the authorized officer of the PSPCL, the matter as regards the civil as well as criminal liability will be decided by the Special Court.

4. Faced with the above, counsel for the petitioner seeks permission to withdraw the present petition so as to approach the authorized

officer of PSPCL and to submit his objections against the case having been falsely made. In the event of any such material filed by the petitioner with the authorized officer of the respondent-PSPCL, a decision under Section 37.1.7 (b) shall be taken by the authorized officer as to whether there is sufficient evidence to conclude a prima facie case of theft of electricity under Section 135 of the Electricity Act. Thereafter, appropriate steps as per law shall be undertaken. The petitioner and/or her representative shall appear before the authorized officer within a period of 15 days.

5. Counsel for the respondent-PSPCL submits that in the event of the petitioner appearing before the authorized officer on 02.02.2023 or any other date as may be so communicated by the authorized officer and after having furnished his documents and evidence to the authorized officer, an appropriate decision shall be taken on such representation within a period of 02 weeks thereafter.

The present petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 18, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No