

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

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**2024:PHHC:015260
CWP-16997-2014 (O&M).
Date of Decision: 05.02.2024.**

ASHOK KUMAR

..Petitioner(s)

VERSUS

**THE MANAGING DIRECTOR, DAKSHIN HARYANA BIJLI VITRAN
NIGAM LIMITED AND OTHERS**

.. Respondent(s)

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

PRESENT Mr. Pankaj Maini, Advocate, for the petitioner.

Mr. P.S. Poonia, Advocate, with
Mr. Pulkit Dhanda, Advocate, for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the checking report dated 08.04.2010 (Annexure P-1) issued by the respondent distribution licensee and also to the demand of the compounding fee and the bill dated 06.05.2014 and 07.07.2014 (Annexure P-4).

Learned counsel appearing for the petitioner contends that the demand in question would be barred by limitation in terms of Section 56 (2) of the Electricity Act, 2003, since the above said demand has been raised after lapse of a period of 04 years.

Learned counsel appearing for the respondents, on the other hand, points out that the act of theft of energy came to the notice of the concerned authorities during the course of internal audit and that an assessment was accordingly made and the demand was raised. He submits that the petitioner has already deposited the compounding fee and part of the bill as served upon him. He further submits that the controversy as regards the scope of Section 56 (2) of the Electricity Act, 2003, has already been decided by this Court vide its judgment dated 22.03.2023 passed in the matter of ***Uttar Haryana Bijli Vitran Nigam Ltd. And another Vs. Sat Narain Dhanwantri and another bearing CWP No.20743 of 2020.***

Learned counsel for the petitioner is not in a position to controvert that the issue as regards the applicability of the provisions of Section 56 (2) of the Electricity Act, 2003, has already been dealt with in the above said writ judgment.

In view of above, the present writ petition is disposed of in terms of *judgment dated 22.03.2023 passed in Uttar Haryana Bijli Vitran Nigam Ltd. And another Vs. Sat Narain Dhanwantri and another bearing CWP No.20743 of 2020 (supra).*

February 05, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

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