

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

211

CWP-24022-2018

Date of decision: 29.02.2024

SUDESH

.....Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD AND OTHERS

.....Respondents

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

Present:- Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. R.S. Longia, Advocate
for respondents No.1 to 4.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the notice dated 23.11.2017 (Annexure P-1) for compounding of the offence of theft of electricity under Section 135 as well as Section 152 of the Electricity Act, 2003 and all consequential proceedings which are emanated therefrom.

Learned counsel appearing on behalf of the petitioner contends that notice of motion in the present case has been issued on 12.03.2019 subject to payment of Rs. 2,40,000/- which was half of the outstanding amount against the petitioner. He contends that the respondents have thereafter filed a reply and alongwith the same, they have appended a notification dated 10.08.2017 as per which the Appellate jurisdiction under Section 127 of the Electricity Act is also

been extended in relation to assessment under Section 135 of the Electricity Act, 2003.

He thus contends that since a remedy of appeal has been notified for seeking redressal of his grievance, he may be permitted to approach the concerned appellate authority.

Counsel for the respondent has no objection to the same.

The present writ petition is accordingly disposed of as not pressed at this stage with liberty to the petitioner to approach the appellate authority as notified by the respondents on 10.08.2017, as amended from time to time, within a period of 30 days of receipt of a certified copy of this order. In the event of the petitioner approaching the said authorities, an expeditious decision shall be taken thereupon in accordance with law and after granting an opportunity of hearing to the petitioner. The interim protection granted vide order dated 16.07.2019 shall enure in favour of the petitioner till the filing of the said appeal.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 29, 2024
Vishal sharma

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