



CWP-7271-2017(O&M)

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

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CWP-7271-2017(O&M)
Date of decision:12.08.2024

Rajesh**...Petitioner****Versus****State of Haryana & ors.****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. S.S. Daaria, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Shubham Pathania, Advocate for
Mr. Aman Bahri, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present writ petition is to the bill (Annexure P-2) issued on 19.03.2017 for a sum of Rs.3,47,539/- to the petitioner.
2. It has been argued by learned counsel for the petitioner that he has obtained a commercial electric connection for running a flour mill in the name of his father late Mange Ram. Employees from the respondent-department inspected the premises of the petitioner on 22.08.2016 and removed the old electricity meter installed at the premises and restored the new electricity meter on 26.08.2016. He contends that due to said reason, he was unable to deposit the bill and an amount of Rs.8857/- was outstanding. However, as against the same, the respondent licensee served a bill on the petitioner for a sum of Rs.3,47,539/- without any valid reason, thus, compelling the petitioner to approach this Court.

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3. Reply on behalf of respondents No.2 and 3 has been filed on 12.04.2019, wherein it was averred that the petitioner did not correct the name of his father in the records of the department notwithstanding that late Mange Ram had expired. It was averred that as per the policy decision taken on the direction of the Haryana Electricity Regulatory Commission, old electricity meters were replaced by the electronic meters. The meter installed in the premises of the petitioner was removed for the said process and the new meter was installed. The old meter was deposited with the junior Engineer for primary inspection to find out any defect in the meter. On the report of the Junior Engineer, the suspected meter was sent to M&P Lab for mechanical checking. The petitioner was called to remain present in the M&P Lab and the meter was checked in his presence and he also countersigned the joint checking report bearing No.191/31/15, dated 07.02.2017. It was found in the M&P Lab report that four number of seals were tempered and refined with some adhesive. Copy of the report dated 21.12.2016 is also attached as Annexure R-2/3.

4. Accordingly, considering the consumption pattern of the petitioner at the flour mill where electricity meter was installed and due to the tempering as consumption was found to be below 75% of the assessed unit. Accordingly, an assessment was carried out under Section 135-A of the Electricity Act, 2003 to a sum of Rs. 2,64,564/-. An amount of Rs.80,000/- was also communicated to the petitioner towards compounding of charges under Section 152 of the Electricity Act.

5. I have heard learned counsel for the respective parties and have gone through the documents appended along with the present petition as



also the judgments cited by learned counsel for the respective parties.

6. It is evident from the perusal of the written statement filed by respondent No.2 that a case of theft of electricity was made out against the petitioner on examination of the meter at M&P Lab of the respondent distribution licensee. The petitioner was himself a signatory to the said inspection report. The order of assessment was, accordingly, conveyed under Section 135 of the Electricity Act along with compounding charges as per the provisions of law. The petitioner being aware of the assessment of the demand, he has chosen not to inform the same before the competent authority. A consequential demand, in the absence of challenge to the order from which such an order emits cannot sustain.

7. The present writ petition is, accordingly, dismissed with liberty to the petitioner to avail his alternative remedies as per law against the case pertaining to theft of electricity.

12.08.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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