

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

124

CR-233-2024 (O&M)

Date of decision:16.01.2024

Suresh Kumar

... Petitioner

Vs.

UHBVNL & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Varlin Garg, Advocate for the petitioner.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by petitioner/plaintiff against the order dated 18.05.2023 (Annexure P-3) passed by the Civil Judge (Jr. Division), Panipat, vide which interim stay has been declined to the plaintiff/petitioner.

2. Plaintiff filed a suit for declaration to the effect that the impugned checking report LL-1 bearing No.6984/39, dated 11.06.2022 and notices for assessment amounting to Rs.29091/- and compounding amounting to Rs.4000/- issued on the basis of impugned LL-1, issued by defendant No.3 are wrong, illegal, null and void, ab-initio, non-effected, arbitrary, inoperative, not binding upon the rights of the plaintiff, carry no weight in the eyes of law and same have been issued/ prepared without any authority, without jurisdiction in an utter disregard of principles of natural justice and are liable to be set-aside and with declaration that the plaintiff is not liable to deposit any such amount, with a consequential relief of permanent injunction restraining the defendants forever from recovering the

illegal amount of Rs.29,091/- and compounding amounting to Rs.4000/- i.e. Total Rs.33,091/- illegally imposed upon the plaintiff through the above said impugned notices and the defendants be further restrained from taking further action against plaintiff in FIR No.3185 dated 23.06.2022 under Sections 135/151 of the Electricity Act, Police Station I&P Karnal got registered by the defendants on the basis of said LL-1 till the final decision of the present suit and for mandatory injunction directing the defendants to restore the electricity of the plaintiff and to install the electric meter at the premises of the plaintiff with immediate effect.

3. During the pendency of the suit, interim relief regarding restoring of electricity supply was declined to the plaintiff/petitioner vide the impugned order dated 18.05.2023 (Annexure P-3). Hence, the present revision petition has been filed by the petitioner/plaintiff before this Court.

4. Counsel for the petitioner has contended that the trial Court has passed the impugned order without taking into consideration the facts and circumstances of the present case. Petitioner had made a request to respondent No.3 in the year 2016 for change of faulty meter as the meter was showing wrong reading. But no action was taken and rather wrong notice LL-1 was issued, which was also complied with by the petitioner by depositing the said amount. But despite the same, respondents did not change the said meter and removed the same. The petitioner again applied for the electric meter/connection but they did not change or re-install the petitioner's meter. No bill was issued to the petitioner after depositing of the amount of the arrears as mentioned in LL-1. He has further contended that the petitioner used temporary electricity by charging the inverters through

generator and no direct connection was connected with any LT pole. He has urged that when the petitioner generated the electricity from generator for charging the inverters, then there was no question of theft of electricity by the petitioner. He has submitted that the trial Court has rightly held that authority had no right to issue such notice regarding the assessment and stayed the assessment order, but had wrongly given the liberty to the respondents to disconnect the electricity supply as per law.

5. I have heard learned counsel for the petitioner at length and perused the pleadings on record.

6. It has been held by the trial Court in the impugned order that prima facie the authority which issued notice for order of assessment had no power to issue order of assessment as under Section 154(5) of the Electricity Act, 2003, as the exclusive power has been given to the special Court to determine the civil liability against a consumer in terms of money for theft of energy. Vide the impugned order, the order of assessment has been stayed and the trial Court has given the liberty to the defendants to disconnect the electricity supply as per rules. If the trial Court has given the liberty to the defendants to disconnect the electricity supply as per rules, then there is nothing wrong in the said order, as defendants have been given the liberty to disconnect the electricity supply only as per rules and not in an arbitrary manner. Otherwise also, the relief of mandatory injunction for restoration of electricity connection to the plaintiff cannot be granted at this stage, as it would amount to decreeing of the suit.

7. In the light of the above, the impugned order is a well reasoned and does not suffer from any illegality or perversity and does not require any

interference by way of exercising the revisional jurisdiction by this Court.

8. Dismissed.

(SUKHVINDER KAUR)
JUDGE

16.01.2024
harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |