



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113

CWP-31279-2024 (O&M)

Date of decision: 05.12.2024

Parkash Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Amanpreet Singh Pannu, Advocate for the petitioner.

Mr. G.S. Virk, Advocate for the respondent-PSPCL.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order of assessment dated 23.09.2024 issued under Section 135 (1-A) of the Electricity Act, 2003 and proceedings initiated thereunder.
2. Power of attorney on behalf of the respondents has been filed today in the Court and the same is taken on record.
3. Learned counsel for the petitioner contends that no case of theft of electricity is made out against the petitioner and that he is still being charged with the offence of commission of theft.
4. Learned counsel for the respondents, however, refers to the checking report bearing No.510798 dated 23.09.2024 as per which the petitioner had taken an illegal electrical connection from a pole situated at a distance of 80 meters and contends that Sh. Jaswant Singh, son of the



petitioner, was present at the time of said checking and the entire incident had been video-graphed. It was a case of a theft of electricity and that an assessment under Section 135 (1-A) of the Electricity Act, 2003 had been served upon the petitioner alongwith an assessment conveying the compounding of charges.

5. I am of the opinion that the issue about the validity of theft of electricity which is being advanced by the petitioner is a question of fact that cannot be gone into by the High Court at this juncture. The petitioner shall have an appropriate remedy in the form of leading his defence in the proceedings instituted under Section 152 of the Electricity Act, 2003 in case he does not opt to seek compounding of offence in the FIR.

6. Under the given circumstances, since disputed questions of fact are involved, this Court does not find any reason to entertain the writ petition against the order of assessment. The same is accordingly **dismissed** at this stage with liberty to the petitioner to raise all pleas before a competent Fora in a manner known to law.

(VINOD S. BHARDWAJ)
JUDGE

05.12.2024
Mangal Singh

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