



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA-2360 of 2022 (O&amp;M)

Date of Order:10.01.2025

Manisha Handa

..Appellant

Versus

Sub Divisional Officer (op) Uttar Haryana Bijli  
Vitran Nigam Ltd., Yamuna Nagar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C.Shahpuri, Advocate  
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court which in turn has reversed the judgment and decree passed by the trial court.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. The plaintiff filed a suit for declaration to the effect that the demand of Rs.2,68,359/- by the Electricity Department from her is illegal. She has non-domestic electricity connection in her shop. On 27.08.2016, a team of officials from the Electricity Department checked the electricity meter which was installed outside her shop. It was found that the electricity meter was in a damaged condition. On notice given prior to checking the meter in M&T Lab., the husband of the plaintiff attended the proceedings. It was found that there was foreign circuit inserted in the meter in order to



commit theft of energy. The husband of the plaintiff also signed the proceedings which took place in M&T Lab. The Electricity Board examined two witnesses, namely, Mr. Lalit Kumar, Junior Engineer and Sh. Ashish Chopra, Sub Divisional officer, M&T Lab to prove their case.

4. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book.

5. The learned counsel representing the appellant submits that the defendant did not produce video recording of the videography of the search and the laboratory when the meter was checked. He submits that an adverse inference is required to be drawn. He further relies upon deposition of a witness who has stated that the video recording is in the laboratory and he is not in possession thereof.

6. This court has considered the submissions of the learned counsel representing the appellant.

7. On a Court question, the learned counsel representing the appellant does not dispute that the plaintiff never summoned the aforesaid video recording. The plaintiff merely asked the officials who had come in the witness box about the video recording and thereafter did not call upon the witness to produce the same. The plaintiff could have filed an application before the trial court for summoning the video recording. It may be noted here that the video recording on 27.08.2016 at the time of search and inspection and at the time of examining the meter in M&T Lab is not in dispute.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.
10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)  
JUDGE

January 10, 2025  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No