

-1-

204

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

CWP-5691-2014

Date of decision:-09.12.2025

M/s J.S. Motors

...Petitioner

Versus

Uttar Haryana Bijli Vitaran Nigam Ltd. and others

...Respondents

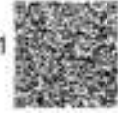
CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajesh Arora, Advocate
for the petitioner.

Mr. Pardeep Singh Poonia, Senior Advocate with
Mr. Yudhveer Hooda, Advocate,
Mr. Pulkit Dhanda, Advocate and
Mr. Dharampal Saini, Advocate
for respondents No.1 to 3.

SUVIR SEHGAL, J.(ORAL)

1. This petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari for quashing of judgment dated 01.03.2014, Annexure P17, passed by the learned Additional Sessions Judge, Kurukshetra as well as checking report dated 07.10.2009, Annexure P7 and notices dated 26.10.2009, Annexures P8 and P9, issued under

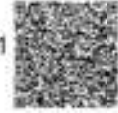


-2-

204

Sections 135 and 152 of the Electricity Act, 2003.

2. Counsel for the petitioner states that an electricity connection installed in the premises of the petitioner, who was running a factory, was checked on 07.10.2009 by officials of Uttar Haryana Bijli Vitran Nigam (UHBVN) and it was found that the electricity meter was totally brunt. Counsel states that in the checking report, Annexure P7, it was mentioned that petitioner was drawing direct supply of energy. Counsel asserts that impugned notices, Annexures P8 and P9, were issued on the allegation of theft of electricity and petitioner was asked to deposit an amount of Rs.4,26,033/- besides compounding charges. Counsel asserts that the petitioner had informed UHBVN vide application dated 27.07.2009, Annexure P1 that electricity meter was burnt and on asking had purchased a new meter, but it was never installed by UHBVN. Counsel states that petitioner approached the consumer forum and in compliance of an interim order, petitioner deposited 40% of the disputed amount. According to the counsel, the consumer complaint was dismissed on 30.08.2011, Annexure P13 as it was found to be not maintainable. Counsel submits that petitioner thereafter filed a suit for declaration, Annexure P14, before the Special Court, which was contested by the respondents and has been dismissed vide impugned judgment, Annexure P17. Counsel has made a reference to the interim order dated 26.03.2014 passed by this Court whereby respondents were directed to restore the electricity connection of the petitioner. Counsel states that this order is continuing till now.

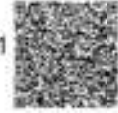


-3-

204

3. Writ petition has been contested by the respondents No.1 to 3 UHBVN by filing a response wherein it has been stated that at the time of checking, it was found that the petitioner was getting direct supply from the electricity pole. It has been averred that checking was done in the presence of the petitioner's representative and videography was done at the spot. UHBVN has stated that charges were levied on the basis of the formula laid down under the Electricity Act, 2003. A stand has been taken that burnt meter could not be replaced as petitioner did not supply the cable required for replacement. An objection has been taken that the petitioner has the remedy of approaching the Special Court constituted under Section 153 of the Electricity Act, 2003. Reliance has been placed upon a judgment of this Court rendered in CWP-25760-2025 titled as ***Raman Kumar Versus Uttar Haryana Bijli Vitran Nigam Ltd. and another***, decided on 01.09.2025 against which SLP (C) No.26905-2025, has been dismissed by the Hon'ble Supreme Court on 22.09.2025.

4. Having heard counsel for the parties and considering the submissions made by them, this Court is of the opinion that present writ petition is not maintainable. When the electricity connection of the petitioner was checked, it was found that he had by-passed the electricity meter and was getting supply of energy directly from the electricity pole. Petitioner is alleged to have committed theft of electricity. Impugned notices, Annexures P8 and P9, have been issued to him under Section 135 read with Section 152 of the Electricity Act,



-4-

204

2003 and charges as well as compounding fee has been fastened upon the petitioner for having committed the offence.

5. Part XIV of the Electricity Act, 2003 contains provisions regarding offences and penalties. It provides for a constitution of a Special Court under Section 153 *ibid*, which have been established in the State of Haryana by virtue of notification dated 17.11.2011. Even if, a criminal case has not been registered by the respondents, remedy available to the petitioner is to approach the Special Court as has been observed by this Court in Raman Kumar's case (*supra*). Although petitioner had approached the Special Court, but instead of filing a petition for determination of "civil liability", petitioner filed a suit for declaration, which was not maintainable and has been rightly dismissed by the Special Court vide impugned judgment, Annexure P17. A similar view has been taken by this Court in ***Shanti Vidhya Mandir Versus Punjab State Power Corporation Limited and others*** (CWP-28295-2019, decided on 09.10.2025).

6. For the foregoing reasons, writ petition is disposed of. Liberty is granted to the petitioner to file an appropriate petition before the Special Court for determination of civil liability. Liberty is also granted to seek exclusion of time spent by petitioner before different Courts. The interim protection granted to the petitioner by this Court by virtue of interim order dated 26.03.2014 shall continue during the pendency of the proceedings before the Special Court provided that petitioner file an appropriate petition before the Court concerned within

204

a period of two months from today.

09.12.2025

(SUVIR SEHGAL)
JUDGE

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No