

**CWP-32658-2019****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(209)****CWP-32658-2019****Date of decision:- 31.07.2025****Ajay Kumar****... Petitioner****Versus****Punjab State Power Corporation Limited and another ... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Varun Goyal, Advocate
for the petitioner.

Mr. Parminder Singh, Advocate
for the respondents.

***********SUVIR SEHGAL, J. (ORAL)**

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter-alia* for issuance of a writ in the nature of certiorari for quashing notice dated 26.04.2019, Annexure P-3, under Section 135 of the Electricity Act, 2003 (for short “the Act”), whereby the penalty of Rs.2,38,725/- and Rs.51,000/- has been imposed upon the petitioner. Petitioner has also sought quashing of impugned bill dated 22.10.2019, Annexure P-5, wherein the amount is reflected to be due from him.

2. Writ petition is being contested by the respondents by filing a written statement, wherein a preliminary objection has been taken that the petitioner has a remedy of approaching the Superintendent Engineer concerned for the compounding of the offence and in any case under Section 154 of the Act, he has a remedy of approaching the Special Court. Counsel for the respondents

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has informed that an FIR bearing No. 714 dated 26.06.2019 under Section 135 of the Act, 2003, at Police Station ADT, Jalandhar has also been registered against the petitioner.

3. Counsel for the petitioner has, however, referred the judgments passed in *M/s Tirupati Industries Versus Punjab State Electricity Board, 2000 (1) RCR (Civil) 681, Harbans Singh Versus Punjab State Electricity Power Corporation Limited and others, Law Finder Doc Id # 948121, Narinder Kaur alias Ramnik Kaur Versus Punjab State Power Corporation Ltd. and others, 2017 (3) PLR 221* and *UHBVNL and others Versus Brijesh Kumar Garg, 2009 (2) RCR (Civil) 799* to contend that this Court has been entertaining writ petitions against demands raised by the Electricity Board alleging theft of electricity.

4. This Court has examined all the four judgments cited by the petitioner. A perusal shows that *M/s Tirupati Industries's case (supra)* as well as *UHBVNL's case (supra)* are judgments interpreting the provisions of the repealed Indian Electricity Act, 1910. In so far as judgments rendered by Co-ordinate Benches of this Court in *Harbans Singh's case (supra)* and *Narinder Kaur's case (supra)* are concerned, the respondents/Electricity Board did not oppose the petition on the ground that the petitioner has an alternate remedy.

5. Power vested in the Court under Article 226 of the Constitution is an extraordinary power to be exercised only, in case, the petitioner does not have any alternate effective remedy under the statute. It cannot be disputed that the petitioner has an efficacious remedy and has to approach the officer concerned or the Special Court under Section 154 of the Act.

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6. In view of the above, present writ petition is not maintainable and is dismissed as such.

7. Liberty is granted to the petitioner to take recourse to the remedy available to him under the Act. In case, he chooses to do so, period spent in pursuing the instant petition, i.e., from 05.11.2019 till today, shall be excluded from the computation of limitation.

31.07.2025

*Kamal***(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No