



CWP-32869-2024 (O&M)

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

(109)

CWP-32869-2024 (O&M)
Date of decision:- 08.12.2025

Manoharjit Singh**... Petitioner****Versus****Punjab State Power Corporation Limited and another ... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Manu K. Bhandari, Advocate and
Mr. Arjun Sawhni, Advocate
for the petitioner.

Mr. Ankur Jain, Advocate
for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner has approached this Court, *inter alia*, for issuance of a writ, in the nature of certiorari, for quashing final order of assessment dated 14.08.2024, Annexure P-11, whereby petitioner has been held liable for unauthorized use of electricity under Section 126 of the Electricity Act, 2003 (for short “the Act of 2003”).

2. Facts, in brief, leading to the filing of the petition are that petitioner is running an Ice Factory and has an electricity connection with a connected load of 48.53 KW from Punjab State Power Corporation Limited (PSPCL). The connection was inspected on 17.11.2010 and a report, Annexure P-2, was prepared. On 19.07.2011, meter change order was issued and the meter was inspected at the Metering Equipment Laboratory (ME Lab) on 01.11.2011. On

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the basis of the report, Annexure P-3, a provisional order of assessment dated 03.11.2011, Annexure P-4, was issued under Section 135 of the Act of 2003, whereby petitioner was levied with a demand of Rs.22,35,573/-, besides compounding charges of Rs.4,90,000/-. An FIR dated 06.11.2011, Annexure P-5, was lodged and after investigation, report, Annexure P-6, was submitted by SHO, Police Station Anti Power Theft, which was accepted by the Lok Adalat, Patiala on 08.07.2017, Annexure P-7. Petitioner challenged the assessment order, Annexure P-4, by filing a writ petition, which was accepted by this Court vide judgment dated 15.05.2024, Annexure P-8, and liberty was granted to the respondents to take appropriate steps as per law and regulations. Respondents issued a provisional order of assessment dated 15.07.2024, Annexure P-9, and after considering the objections filed by petitioner, impugned final order of assessment was issued on 14.08.2024, Annexure P-11, whereby petitioner has been found liable to make a payment of Rs.52,938/-.

3. By making a reference to the checking report, Annexure P-3, counsel for the petitioner has argued that as meter was found running slow by 33%, respondents could not have initiated the proceedings for unauthorized use of electricity. Counsel contends that the expression “unauthorized use of electricity” does not include slowness of the meter and impugned demand deserve to be quashed. It is also his argument that a separate procedure has been prescribed by PSPCL for dealing with cases pertaining to slowness of meter. Reliance has been placed by the counsel upon the judgment of Allahabad High Court in **Purvanchal Vidyut Vitran Nigam Limited and another Versus State of U.P. and others, Law Finder Doc Id #1787868.**

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4. Writ petition has been contested by the respondents by filing a short reply, wherein it has been admitted that meter was found running slow. It has been averred that CTPT unit was found to be tempered and provisional assessment was made under Section 135 of the Act of 2003 by following the proper procedure. A stand has been taken that the proceedings under Section 126 of the Act of 2003 have been initiated as this Court had granted liberty to the respondents to take appropriate steps as per the notified regulations. It has been submitted that in pursuance to impugned notice, petitioner has deposited the amount of Rs. 52,938/-. An argument has been raised by counsel for the respondents that as petitioner has a remedy of filing an appeal under Section 127 of the Act of 2003, instant writ petition is not maintainable.

5. Having heard counsel for the parties and considering their respective submissions, this Court is of the view that the writ petition deserves to succeed. A perusal of the checking report, Annexure P-3, shows that meter was found running slow by 33%. Cases pertaining to slow running of meters have to be dealt with under Regulation 54.6 and 54.7 of the Electricity Supply Instructions Manual, 2018, which provides as under:-

“54.6 Defective / Inoperative Meter:

i) If the meter is found to be running slow by more than 3%, it shall be replaced with a new meter. The meter on removal must be sent to the ME Laboratory within a maximum period of one week and accounts of the consumer shall be adjusted on receipt of the test results from the ME Lab for a period not exceeding 6 months preceding the date the checking. Compliance of these instructions shall be personal responsibility of AE/AEE/Sr. Xen concerned.

54.7 All the meters removed against MCO shall be first checked by concerned JE/AEE and only such meters shall be packed in cardboard box where theft of energy is suspected. Cardboard boxes shall be sealed and duly signed by concerned JE/AEE and the consumer/representative of the consumer. Testing of such meters shall be done in the presence of the consumer or his representative.



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In case the consumer refuses to sign the meter test results./report such meter shall be kept sealed in the DS Sub-Division till final disposal of the case. In case of meters where theft of energy is not suspected by JE and the meter is sent to ME Lab without packing if theft of energy is detected later on pertaining to such meter then JE concerned shall be held responsible.”

6. Instead of adopting the procedure reproduced above, respondents have initiated proceedings under Section 126 of the Act of 2003, which pertain to assessment of charges due to unauthorized use of electricity. A perusal of provisional order of assessment, Annexure P-9, shows that under column 2, respondents have mentioned “As per H’onorable High Court, Punjab & Haryana order dated 15/05/2024 Case No – CWP – 9649-2015 (O&M)”. This order does not specify any act of unauthorized use of electricity. In **Purvanchal Vidyut Vitran Nigam Limited’s** case (supra), Allahabad High Court has held that alleged slow running of meter cannot be made basis of assessment for unauthorized use of electricity. Assessment of charges to be levied upon the consumer have to be ascertained in accordance with the procedure prescribed under the Electricity Supply Code, 2005.
7. The expression “unauthorized use of electricity” has been defined in explanation (b) of Section 126 of the Act of 2003 as usage of electricity-

- (i) by any artificial means; or
- (ii) by a means not authorised by the concerned person or authority or licensee; or
- (iii) through a tampered meter; or
- (iv) for the purpose other than for which the usage of electricity was authorised; or
- (v) for the premises or areas other than those for which the supply of electricity was authorized.

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8. Slow running of electricity meter has not been included in the expression “unauthorized use of electricity”. Slowness of meter by its very nature, implies that due to some defect in the metering equipment, it is recording lesser electricity they actually consumed.

9. As a result of the above discussion, this Court concludes that the respondents have erred in initiating proceedings under Section 126 of the Act of 2003 alleging unauthorized use of electricity. This Court, therefore, has no hesitation in coming to the conclusion that the orders of assessment passed under the aforesaid provision cannot be sustained.

10. Writ petition is allowed. Assessment orders, Annexures P-9 and P-11, are quashed. Respondents are given liberty to proceed under the relevant regulations to recover charges, if any, on account of slowness of electricity meter. Amount deposited by petitioner shall be adjusted against future bills or against charges, if any, levied on account of alleged slowness of electricity meter.

(SUVIR SEHGAL)
JUDGE

08.12.2025

Kamal

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