

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

107

CWP-6908-2018 (O&M)

Date of Decision : January 09, 2025

INDUS TOWERS LTD

-PETITIONER

V/S

**UTTARI HARYANA BIJLI VITRAN NIGAM LIMITED AND
OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vishal Gupta, Advocate
for the petitioner.

Ms. Kushaldeep Kaur, Advocate for
Mr. Ankur Mittal, Advocate
for the respondents.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition embodies a prayer for quashing the checking report dated 10.08.2017 (Annexure P-2), meter checking report dated 11.08.2017 (Annexure P-3) and memo dated 10.10.2017 (Annexure P-4), as issued by the respondent(s)- Nigam, and whereby, a sum of ₹11,38,503/- has been charged on account of suspected theft of energy.

2. In the instant case, post the issuance of an order of assessment under Section 135 of the Indian Electricity (Supply) Act, 2003 (hereinafter referred to as the 'Act of 2003) to the petitioner, an FIR bearing No.8934 dated 15.09.2017 was registered under Section 135 of the Act of 2003.

3. Since an FIR has already been registered in the instant case,

therefore, the issue as regards the liability of the petitioner, besides the veracity of the allegations of theft of energy, is to be adjudicated by the Special Court constituted under Section 153 of the Act of 2003. Consequently, the petitioner is relegated to the Special Court concerned for agitating his claim, as raised before this Court. Moreover, only to ensure that the petitioner's electricity connection is not disconnected, the petitioner is directed to, subject to outcome of the criminal proceedings launched against him, deposit a sum of ₹ 8,00,000/- with the respondent(s)-Uttari Haryana Bijli Vitran Nigam Limited, within a month from today. Needless to say, the petitioner shall continue to pay the electricity charges to the respondent(s) concerned.

4. **Disposed of accordingly.**

5. Pending application(s) stand disposed of accordingly.

January 09, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No