

HIGH COURT OF PUNJAB AND HARYANA**Bench: Justice Alka Sarin****Date of Decision: 31st May 2024**

CIVIL APPELLATE JURISDICTION

Regular Second Appeal No. 1974 of 1996 (O&M)

P.S.E.B Patiala and Anr. ...APPELLANT(S)**VERSUS****Madan Lal ...RESPONDENT(S)****Legislation:**

Section 135 of the Electricity Act

Subject: Appeal against the concurrent findings of the Trial Court and the First Appellate Court regarding the alleged tampering of an electricity meter at the respondent's cotton factory, and the legality of the resultant demand notice for Rs. 51,848/- issued by the appellants.

Headnotes:

Electricity Laws – Meter Tampering – Appeal against demand notice – Regular second appeal challenging the judgments of the Trial Court and the First Appellate Court – Dispute over alleged tampering of electricity meter in respondent's cotton factory – Appellants' Flying Squad claimed meter reading was reversed and glass scratched – Both courts found seals on the metal box and meter intact – No substantive evidence of tampering with the glass – Appeal dismissed.

Meter Tampering – Analysis – Held – Both the Trial Court and the First Appellate Court found that the meter was installed in a metal box with intact seals – Witnesses from the appellants admitted seals were intact – No evidence to support claims of glass tampering – Statement of DW2 regarding reversed meter reading considered insufficient without corroborative evidence.

Decision – Dismissal of Appeal – Appeal against the concurrent findings of the lower courts dismissed – No substantial question of law found – Judgments and decrees of the lower courts upheld – Pending applications disposed of.

Referred Cases:

- Punjab State Electricity Board v. Ashwani Kumar (2001) 1 SCC 598
- BSES Rajdhani Power Ltd. V. Shri Siddharth Gupta (2016) 3 SCC 740
- Chandu Lal v. Delhi Development Authority (2008) 13 SCC 432
- Paschimanchal Vidyut Vitran Nigam Ltd. V. DVS Steels and Alloys Pvt. Ltd. (2009) 1 SCC 210

Representing Advocates:

Ms. Shazia K. Singh for the appellant

Mr. Surinder Garg for the respondent

ALKA SARIN, J. (Oral)

1. The present regular second appeal has been preferred by the defendant-appellants aggrieved by the judgments and decrees dated 08.09.1994 and 26.09.1995 passed by the Trial Court and the First Appellate Court, respectively.
2. In brief, the dispute is qua the reading of the meter installed at the premises of the plaintiff-respondent where a cotton factory was being run. The case set-up was that a Flying Squad of the defendant-appellants found that there was a theft of electricity and accordingly a demand notice was issued to the plaintiff-respondent raising a demand of Rs.51,848/-. The same was challenged by way of the present suit. Both the Courts concurrently found that the meter was installed in a metal box and the seals of the metal box and the meter were intact and hence the demand was held to be illegal. The suit was decreed by the Trial Court and the appeal by the defendant-appellants was dismissed by the First Appellate Court. Hence, the present regular second appeal.
3. Learned counsel for the defendant-appellants would contend that though the seals were found intact, however, there was tampering with the glass and the meter reading was found to have been reversed and there were scratches on the glass also. In support of the said fact, the learned counsel has referred to the statement of DW2-Balwinder Singh who is alleged to have been part of the Flying Squad.
4. Per contra, the learned counsel for the plaintiff-respondent would contend that the seals on the metal box as well as the meter were found to be intact as admitted by the witnesses of the defendant-appellants also. It is further

the contention of the learned counsel that there was no evidence on the record that the glass was ever tampered with and merely because there were scratches would not be a reason to hold that the meter was tampered with.

5. I have heard the learned counsel for the parties.
6. In the present case both the Courts have concurrently found that the meter was installed in an iron box. The seals of the iron box as well as the meter were found intact by the Flying Squad as admitted even by the witnesses of the defendant-appellants. Further the statement of DW2 Balwinder Singh which has been impressed upon by the learned counsel for the defendant-appellants to contend that there was theft of electricity and that the meter reading had been reversed cannot be accepted as there was no material on the record to even remotely suggest that there was any tampering with the glass.
7. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

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