
(2012) 12 UK CK 0041

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1235 of 2012

Mujammil

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 31-12-2012

Acts Referred:

Electricity Act, 2003 — Section 135

Citation : (2012) 12 UK CK 0041

Hon'ble Judges : Servesesh Kumar Gupta, J

Bench : Single Bench

Advocate : Prabha Naithani, for the Appellant; K.S. Rautela, AGA for the State of Uttarakhand, for the Respondent

Judgement

Hon''ble Servesesh Kumar Gupta, J.—Heard learned counsel for the parties. Admit the petition.

2. It is pertinent to mention here that hitherto WPCRL No. 1151 of 2012 was filed in the same matter and this Court while allowing the same directed the Investigating Officer not to arrest the petitioner, if he deposits the charges of electricity pilferage calculated at the norms and parameters set up by Uttarakhand Power Regulation Commission.

3. It has been argued by learned counsel for the petitioner that when this stay order was presented before the Executive Engineer, he ignored the same and handed over exorbitant charges to the tune of Rs. 5,27,945.40/- for the said pilferage. It can significantly be noted that nowhere it has been explained as to on what basis this excessive amount has been calculated and the petitioner is being asked to pay the same. It is a quite unspeaking order. Connection of 20 KW had been sanctioned but he was found indulged in pilferage of more than sanctioned strength to run his industry.

4. Looking to non-speaking assessment order issued on 27.11.2012 by the Executive Engineer, the amount is reduced to the extent of 60% of the said

amount calculated by Executive Engineer. He is ordered to permit the petitioner to deposit 60% of the impugned amount positively and explain under what circumstances he did not acknowledge the order issued by this Court on 01.12.2012.

5. Issue notice to Respondent no. 4 Vinod Kumar Pandey, who will file his counter affidavit explaining that why adverse action should not be initiated against him for using contemptuous language to the order of this Court.

6. In view of facts and circumstances of the case, it is hereby directed that if petitioner deposits 60% of pilferage amount, as directed hereinabove, then he will not be arrested during the course of investigation in connection with case crime no. 364 of 2012 u/s 135 of Electricity Act police station Gangnagar, Roorkee, District Haridwar provided he cooperates with Investigating Officer. It is further directed that no adverse action shall be taken by Electricity Department against the petitioner and his electricity connection will be restored subject to deposition of aforesaid amount. Stay application no. 14067 of 2012 stands disposed of. List after winter vacation.