



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

**RSA-6-1996 (O&M)
Reserved on :-06.03.2026
Date of Pronouncement:-18.03.2026
Uploaded on:-19.03.2026**

Punjab State Electricity Board and Others

... Appellants

Versus

Shri Prem Nath

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

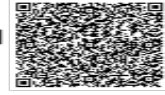
Mr. Baljinder Singh, Advocate
for the appellants.

Mr. Aayush Gupta, Advocate
for the respondent.

VIRINDER AGGARWAL, J.

1. The present Regular Second Appeal (here-in-after referred to as "RSA") has been instituted against the concurrent judgments and decrees passed by the learned Courts below, whereby the suit filed by the respondent–plaintiff was decreed and the appellants–defendants were directed, by way of mandatory injunction, to restore the electric connection of the respondent–plaintiff.

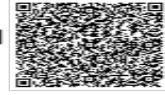
2. A brief narration of the relevant facts is that the respondent–plaintiff instituted a suit for mandatory injunction on the averments that he was a consumer of the appellant–defendant having electric connection



bearing Account No. MS175, and that he had been regularly paying the requisite energy charges. It was alleged that on 20.09.1988, certain employees of the appellant–defendant wrongfully disconnected the said electric connection. Aggrieved by the said action, the respondent–plaintiff filed a suit for mandatory as well as permanent injunction before the Court of the learned Additional Senior Sub-Judge, Ludhiana, wherein an order was passed directing restoration of the electric connection.

2.1. It was further alleged that, aggrieved by the aforesaid order and with an intent to take revenge, certain officials of the appellant–defendant again visited the premises of the respondent–plaintiff on 11.10.1988 at about 9:00 a.m. and forcibly entered the meter room. They allegedly broke open the seals of the meter box and, after disconnecting the electric supply, illegally and forcibly removed the meter. The respondent–plaintiff thereafter approached the concerned Sub-Divisional Officer (SDO) seeking redressal, but to no avail. It was asserted that the appellants–defendants had acted in clear violation of the mandatory provisions of law, inasmuch as no notice was ever served upon the plaintiff either prior to or after the disconnection of the electric connection. According to the plaintiff, the disconnection was effected solely with a vindictive intent as he had earlier approached the Court for restoration of the connection. Hence, the present suit was instituted.

3. The suit was contested by the appellants–defendants by filing a written statement, wherein it was pleaded that the respondent–plaintiff had instituted the suit by concealing material facts and by misrepresenting the true circumstances. It was asserted that on 10.10.1988, the electric

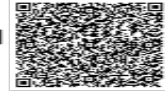


connection in question was inspected by the Assistant Electrical Engineer, Flying Squad, Kapurthala, during which it was found that the meter cupboard seal was missing and the seal of the current transformer chamber had been tampered with. Further, two chamber MNTS seals located on the left side of the power meter were also found to be tampered with, and the consumption record was found to be inconsistent with the sanctioned load. On the basis of the said inspection, the respondent–plaintiff was found to be committing theft of electricity, and consequently his account was overhauled with effect from 10.09.1987. It was further pleaded that unless and until the amount determined on account of such irregularities was paid by the respondent–plaintiff, the electric connection could not be restored.

4. The respondent–plaintiff filed a replication controverting the averments made in the written statement. Upon a careful and comprehensive examination of the pleadings, documents, and submissions of both parties, the learned Trial Court framed the following issues for adjudication so as to enable a proper and effective determination of the respective claims and defences of the parties:-

1. Whether the disconnection of the electricity was illegal, wrong, arbitrary, unconstitutional and void on the grounds mentioned in para No.7 of the plaint? OPP.
2. Whether the plaintiff was liable to pay ₹1,04,592/- as detailed in the written statement? OPD.
3. Whether the plaintiff is entitled to the injunction prayed for?OPP.
4. Relief.

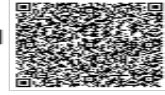
5. The parties were duly afforded an opportunity to adduce evidence in support of their respective cases. Upon appreciation of the



evidence and after hearing the arguments advanced by learned counsel for the parties, the learned Trial Court decreed the suit. The appeal preferred by the appellants–defendants against the said judgment and decree was dismissed. Aggrieved by the concurrent judgments and decrees passed by the Courts below, the present appeal has been instituted.

6. The appeal was admitted for hearing vide order dated 11.07.1996. It is noteworthy that the respondent–plaintiff had already deposited the amount demanded by the appellants–defendants, subject to certain conditions. It was stipulated that in the event of dismissal of the appeal, the Board would refund the said amount to the respondent–plaintiff along with interest at the rate of 12% per annum from the date of deposit until the date of payment. Conversely, in the event that the appeal was allowed, the respondent–plaintiff would be liable to pay the balance demanded amount together with interest at the rate of 12% per annum from the date on which the amount originally became due to the Board.

7. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of *Pankajakshi (Dead) through LRs and others V/s Chandrika and others, (2016)6 SCC 157*, followed by the judgments in the case of *Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317 and Satender and others V/s Saroj and others, 2022(12) Scale 92*. Relying

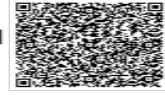


upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

8. I have heard learned counsel for the parties at considerable length and have accorded anxious and thoughtful consideration to their respective submissions, while examining the pleadings of the parties, the evidence available on record, and the concurrent findings returned by the learned Courts below.

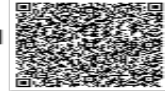
9. Learned counsel appearing on behalf of the appellant–Board contended that both the Courts below have erred in decreeing the suit of the respondent–plaintiff on the basis of surmises and conjectures. It was submitted that the Courts below failed to appreciate that the appellant–Board had duly proved on record that a raid was conducted by the Flying Squad at the premises of the respondent–plaintiff, during which the respondent–plaintiff was found committing theft of electricity by tampering with the seals of the meter and the meter cupboard. It was further argued that the testimony of DW-1, who conducted the inspection, has been wrongly disbelieved by the Courts below. Learned counsel submitted that DW-1 had specifically deposed that he was in possession of impressions of the sample seals and that he compared the seals affixed on the meter and cupboard with those impressions and found them to have been tampered with. On the strength of this evidence, it was contended that the impugned judgments and decrees deserve to be set aside and the appeal of the appellant–Board be allowed.

10. Per contra, learned counsel appearing for the respondent–plaintiff contended that the findings recorded by the learned Courts below



suffer from no illegality or infirmity. It was submitted that the Courts below have rightly concluded that the officials of the Board were harbouring a grievance against the respondent–plaintiff, who had earlier approached a Court of competent jurisdiction against the high-headed actions of the officials of the Board and had obtained relief in his favour. According to the respondent, the officials of the Board, with an intent to teach him a lesson for having approached the Court, fabricated a false story regarding tampering of the seals. It was argued that the pleadings and evidence on record have been properly appreciated by both the Courts below and the conclusions arrived at are reasonable and plausible, thus not warranting any interference by this Court in the exercise of its jurisdiction in a Regular Second Appeal.

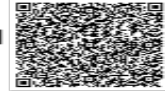
11. Both the learned Courts below have recorded a concurrent finding that the version put forth by DW-1, to the effect that he was carrying impressions of the sample seals at the time of the raid, appears to be an afterthought, as this fact finds no mention in the documents Ex.D1 and Ex.D2. Document Ex.D1 is a photocopy of an entry from the relevant register, whereas Ex.D2 is a copy of the site report. The Courts below have rightly observed that had DW-1 actually possessed impressions of the sample seals and compared them with the seals affixed on the meter and the cupboard, such a material fact would ordinarily have been recorded in both the aforesaid documents. The absence of any such reference therein reasonably leads to the inference that the version of DW-1 regarding possession of sample seal impressions at the time of the raid is a subsequently introduced and doubtful assertion.



11.1. Furthermore, it was incumbent upon the appellant–Board to establish that, prior to conducting the raid, DW-1 had obtained the impressions of the seals from the office of the Board at Ludhiana. This becomes particularly relevant in view of the fact that DW-1 belonged to the enforcement wing stationed at Kapurthala, and it cannot be presumed that he would ordinarily be in possession of such sample seal impressions unless the same had been specifically collected from the concerned office at Ludhiana. The appellant–Board, however, has led no evidence in this regard.

12. The Courts below have also taken note of the admitted position that even after the raid conducted on 10.10.1989, the energy consumption recorded for the connection of the respondent–plaintiff reflected a lower consumption as compared to the earlier period. If the respondent–plaintiff had indeed been committing theft of electricity, the consumption record would ordinarily have shown a higher or abnormal trend once such alleged tampering was rectified. The consumption data, therefore, lends support to the conclusion that no theft of energy had in fact been committed by the respondent–plaintiff.

13. It also emerges from the record that prior to the alleged raid, the respondent–plaintiff had approached a Court of competent jurisdiction challenging the actions of the officials of the appellant-Board and had obtained an order against them. In such circumstances, the possibility, as noted by both the Courts below, that the subsequent action was motivated by a sense of grievance or hostility on the part of the officials of the appellant-Board cannot be altogether ruled out.



14. In view of the concurrent findings recorded by both the Courts below and upon a careful scrutiny of the evidence on record, this Court finds no basis to conclude that the Courts below have misread the evidence or recorded arbitrary or perverse findings. The conclusions arrived at are plausible findings of fact based upon a proper appreciation of the material available on record. Consequently, no interference is called for in the exercise of jurisdiction under a second appeal. The present appeal, being devoid of merit, is accordingly **dismissed**.

15. Upon final determination of the primary cause, all interlocutory and miscellaneous applications, if any, are extinguished by necessary implication, having become purely academic.

18.03.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No