



**M/s Sundernagar Integrated Rural
Development Association (SIRDA) v.
Himachal Pradesh State Electricity Board Ltd.
& Ors.
CWP No.2142 of 2016**

02.04.2025 Present: Mr. Rakesh Gupta, Senior Advocate, with Mr. Sangeet Vasudeva, Advocate, for the petitioner.

Ms. Sunita Sharma, Senior Advocate, with M/s Dhananjay Sharma and Surinder Kumar, Advocates, for the respondents.

By way of this writ petition, the petitioner has prayed for the following reliefs:-

- (a) *“Writ of Certiorari may kindly be issued for the quashment of Judgment/Orders passed by Ld. Divisional Commissioner Mandi, in Case No. 38/2015 decided on dated 3-6-2016 vide Annexure P-3 and consequent, Notice dated 21-7-2016 vide Annexure P-11 wherein he has concurred with the final Assessment Orders dated 6-1-2015 passed by Assistant Executive Engineer, H.P.S.E.B. Ltd. Sub Division Sunder Nagar, District Mandi, H.P vide Memo No. HPSEBL/E4/2014-2472-74. As the same was inflicted upon the petitioner's society without conducting any tangible inspection in the presence of authorized persons vis a vis Principal/Director of the Institute nor any site inspection note was prepared or got signed from the consumer/ petitioner which is in flagrant violation to the provisions of Electricity Act, 2003, as well as against the well settled*



provisions as laid down in the guidelines for dealing with the case of unauthorized use and theft of electricity issued by the Chief Engineer (Commercial) H.P.S.E.B.Ltd., vide letter dated 19-3-2012 and has also illegally, erroneously taken into assessment of industrial connection Xi-I (SMS) into account of SIRDA Society.

- (b) *Further by way of writ of mandamus necessary directions be issued to the respondent authorities to refund half of the amount deposited by the petitioner to the sum of Rs.9,61,181 with 216% rate of interest.”*

Learned counsel for the petitioner has primarily argued that the entire process that was initiated against the petitioner is vitiated for the fact that no inspection report which mandatorily was to be prepared under the guidelines which have statutory force, copy whereof is appended with the petition as Annexure P-5, was prepared by the Board and if prepared, copy thereof was never handed over to the petitioner nor the petitioner was associated during the preparation of the said inspection report.

Learned Senior Counsel for the respondents submits that the procedure was diligently followed and some time be granted to place on record the inspection report.



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On the request of learned Senior Counsel for
the respondents, list on 11.04.2025, to enable her to place
on record the Inspection report.

(Ajay Mohan Goel)
Judge

April 02, 2025
(*Vinod*)