



1

WP-28733-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 21st OF JULY, 2026

WRIT PETITION No. 28733 of 2025

NARENDRA KUMAR OJHA

Versus

STATE OF M.P. THROUGH (DELETED) AND OTHERS

.....
Appearance:

Shri Siddharth Sijoria - Advocate for the petitioner.
.....

ORDER

The instant petition, under Article 226 of Constitution of India, is directed against the order dated 19.12.2023 (Annexure P/1) passed by Officer In-charge, MPMKVCL, O&M Circle Guna, whereby, invoking the powers under Section 135 of Electricity Act, 2003 civil liability to the extent of Rs.1,16,734/- has been fixed and petitioner has been directed to deposit the same.

Learned counsel for the petitioner while referring to the Section 135 of the Act has submitted that the provision of Section 135 of the Act forms part of Chapter XIV and deals with "Offences and Penalties". However, a reading of sub-Section (5) of Section 154 of the Act shows that there is a specific provision made in respect of the procedure and power of the Special Court constituted under Section 153 of the said Act which authorizes the Special Court to determine even the civil liability against the consumer or a person in terms of money for theft of energy as per the said sub section, where the



cognizance is taken of the act under Section 135 of the said Act, but herein the case, the Authorities themselves had usurped the powers of Special Court and had imposed the civil liability of Rs.1,16,734/- towards theft which is bad in law and therefore, impugned order deserves to be quashed.

After hearing learned counsel for the petitioner and going through the provisions of Sections 135 and 154 of the Act, 2003, this Court finds that notwithstanding anything contained in the Code of Criminal Procedure, every offence punishable under Section 135 of the Act, 2003 shall be triable by the Special Court. As per Sub Section 5 of Section 154 of the Act, the Special Court is even empowered to determine the civil liability against the consumer or a person in terms of money for theft of energy. Thus, when the Special Court is very well empowered to determine the civil liability apart from taking any penal action against the person who has committed theft of energy, the authorities could not have usurped such powers and could not have determined the liability and could not have raised a demand of Rs.1,16,734/- vide Annexure P/1 dated 19.12.2023.

The aforesaid analogy finds support from the matter of **Sangita wd/o Suresh Chandra Gupta and Another Vs. State of M.P.** reported in 2009(1) MPLJ 366.

In light of the aforesaid factual and legal position, the final assessment order dated 19.12.2023 made under Section 135 of the Act cannot be sustained and accordingly, it is hereby quashed. However, respondent are at liberty to move an appropriate application before the Competent Court of jurisdiction as provided under Section 154 of the Act.



With the aforesaid observation, present petition is hereby **allowed** and **disposed of**.

(MILIND RAMESH PHADKE)
JUDGE

pwn*