



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR
REGULAR FIRST APPEAL NO. 2650 OF 2025 (INJ)

BETWEEN:

1. M/S. LUXCON ASSETS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT
NO.777-A, K.P. TOWERS
5TH FLOOR, 100 FEET ROAD
HAL II STAGE, INDIRANAGAR
BENGALURU-560 008.
REPRESENTED BY ITS DIRECTOR
MR. P. VEERARAJA
S/O. K. PALANISWAMY
AGED ABOUT 58 YEARS

...APPELLANT

(BY SRI. NISHANTH .A.V, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
BANGALORE ELECTRICITY SUPPLY
COMPANY LIMITED (BESCOM)
K. R. CIRCLE, BENGALURU-560 001.
2. THE ASSISTANT EXECUTIVE ENGINEER
E-6, INDIRANAGAR, BESCOM
SUB-DIVISION OF BESCOM
1403, (DOMMALURU AREA)
BENGALURU 560 071.

...RESPONDENTS

(BY SMT. G.K. BHAVANA, ADVOCATE FOR R1 AND R2)



THIS RFA IS FILED UNDER SECTION 96 OF CPC, AGAINST THE ORDER DATED 9.10.2025 PASSED ON IA NO.III IN OS.NO.6049/2023 ON THE FILE OF THE XXV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE, ALLOWING THE IA NO.III FILED UNDER ORDER 7 RULE 11(d) OF CPC., R/W SEC.145 OF ELECTRICITY ACT 2003., FOR REJECTION OF PLAINT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL JUDGMENT

This appeal by the appellant - plaintiff in O.S.No.6049/2023 is directed against the impugned order dated 09.10.2025 passed on I.A.No.3 by the XXV Additional City Civil and Sessions Judge at Bengaluru (CCH-23), whereby the said application filed by the respondents - BESCOM under Order VII Rule 11(d) of CPC read with Section 145 of the Electricity Act, 2003 was allowed by the trial Court and consequently, dismissed the suit filed by the appellant - plaintiff.

2. A perusal of the material on record will indicate that the appellant - plaintiff instituted the aforesaid suit against the respondents-defendants for permanent injunction restraining the respondents, their agents, men or anybody claiming through them from disconnecting the power supplied to the suit schedule property under RR No.4250241066 (E6HT299) and for other reliefs.



3. In the said suit, the respondents - BESCOM entered appearance not only filed a written statement contesting the suit but also interim application - IA No.3 Under Order VII Rule 11(d) of CPC., for rejection of plaint *inter-alia* contending that in view of the specific bar contained in Section 145 of the Electricity Act, 2003, the suit was not maintainable and liable to be dismissed. The said application having been opposed by the appellant - plaintiff, the trial Court proceeded to pass the impugned order allowing I.A.No.3 and consequently, dismissed the suit. Aggrieved by which, the appellant - plaintiff is before this Court by way of the present appeal.

4. Learned counsel for the appellant - plaintiff submits that apart from the fact that the Trial Court committed an error in coming to the conclusion that the suit was not maintainable, the impugned order passed by the trial Court and impugned judgment and decree of the trial Court may be modified and the suit may be disposed of by reserving liberty in favour of the appellant - plaintiff by directing the respondents - BESCOM to issue appropriate/suitable notice to the appellant - plaintiff and thereafter, proceed further in accordance with law and till then, the respondents may be directed not to take any precipitative/coercive steps against the appellant - plaintiff in relation to the subject installation or the



suit schedule property and the suit of the plaintiff itself may be disposed of in the present appeal.

5. *Per-contra*, the learned counsel for the respondents - BESCOB submits that the respondents - BESCOB would issue fresh notice to the appellant - plaintiff in relation to the subject installation and the suit schedule property and take appropriate steps against the appellant - plaintiff and the schedule property/installation in accordance with law and the impugned order may be modified and the suit itself may be disposed of accordingly.

6. In view of the aforesaid facts and circumstances, I deem it just and appropriate to set-aside the impugned order as well as impugned judgment and decree and dispose of the suit by issuing certain directions and dispose of the appeal and consequently, the suit by issuing certain directions.

7. In view of the above, I proceed to pass the following;

ORDER

(i) The appeal is hereby ***disposed of***.

(ii) The impugned order dated 09.10.2025 passed on I.A.No.3 in O.S.No.6049/2023 filed by the respondents - defendants under Order VII



Rule 11(d) of CPC., and the impugned judgment and decree are hereby set-aside.

(iii) The suit in O.S.No.6049/2023 filed by the appellant - plaintiff is disposed of by directing the respondents - BESCOM to issue fresh/new notice to the appellant - plaintiff within a period of one week from today.

(iv) In the event the respondents - BESCOM issues fresh/new notice to the appellant - plaintiff in accordance with law, the appellant - plaintiff shall be entitled to file a reply to the said notice along with necessary documents within one month from the date of receipt of the said notice to be issued by the respondents - defendants.

(v) In pursuance of the appellant-plaintiff submitting reply along with documents to the notice to be issued by the respondents-defendants, the respondents-defendants shall proceed further and take appropriate decisions/pass appropriate orders in accordance with law.

(vi) It is further directed that till the respondents - defendants takes appropriate decisions/passes appropriate orders in accordance with law as stated supra, the respondents - defendants shall not take any precipitative/coercive steps against the appellant - plaintiff or the subject installation in respect of the suit schedule property.



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(v) All rival contentions between the parties are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

SD/-
(S.R.KRISHNA KUMAR)
JUDGE

NBM
List No.: 1 SI No.: 8