

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

Civil Writ Petition No.11235 of 2013

Date of decision: 16.02.2015

U.H.B.V.N.L.

... Petitioner

versus

Rajender Kumar @ Rajender Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Raheel Kohli, Advocate and
Mr. Ravi Prakash, Advocate
for the petitioner.

Mr. Gurpreet Singh, Advocate
for the respondent.

K.Kannan, J. (Oral)

The writ petition is not tenable at all. It is against impugned order passed by Civil Court. The petitioner's attempted plea before this Court is that the Civil Court does not have jurisdiction and makes reference to the Section 145 of the Electricity Act as governing the issue. Section 145 refers only to actions taken under Section 126 and 127 and they do not take into account the issue of theft which is under an independent provision of Section 135. Even a provision of constitution of Special Court under Section 153 will make no difference for the procedure laid down under Section 154 is only for prosecution of a criminal case and assessment of civil liability in the criminal case and cannot bar a consumer from showing that there have been breach of regulations or the alleged theft attributed has not been proved in a property constituted civil suit. It will be wholly inappropriate to make an

intervention at the stage, where an interim order is passed. It shall be open to the petitioner to point out that the Electricity Board has followed all due regulations and the relief of what is now claimed is not for any adjudication that will be appropriate in a Civil Court and apply to the same Court for rejection of the plaint if so advised.

The intervention sought through the writ petition is wholly inappropriate and the writ petition is dismissed with liberty aforesaid.

(K. KANNAN)
JUDGE

February 16, 2015
ps-l