

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

RSA No.2014 of 2012 (O&M)

Date of decision: 4.8.2015

G.D. Gupta and another

...Appellants

Versus

DHBVN Ltd. and others

.....Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. O.P. Gupta, Advocate, for the appellants.

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RAJESH BINDAL, J.

The plaintiffs are before this Court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by them under Section 91 CPC, was dismissed.

It was sought to be claimed in the suit that respondent No.1 had issued notice inviting tenders for sale of aluminium coils with paper insulation and sold the same at the rate of ₹ 87.50 per kg though in the market, the rate was ₹ 120 per kg. The Nigam suffered huge loss. However, the fact remains that both the courts below found that as respondent No.1, Dakshin Haryana Bijli Vitran Nigam has no office in the area of jurisdiction at Yamunanagar, the tender was invited at Hisar, where respondent No.1-Nigam has the office. The issuance and acceptance of the tenders had taken place within the jurisdiction of the courts at Hisar. Hence, the suit filed at Yamunanagar for the purpose was rightly held to be not maintainable being without territorial jurisdiction.

There is no error in the judgments and decrees passed by both the learned courts below. No substantial question of law arises. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

4.8.2015

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