

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

RSA No.2092 of 2015 (O&M)
Date of decision : 21.08.2015

M/s Gill Rice Mills

...Appellant

Versus

Punjab State Electricity Board and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rajesh Bhateja, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

Challenge in the present appeal is to the impugned judgment and decree dated 17.03.2015, whereby suit of the appellant/plaintiff for declaration to effect demanding a sum of Rs.9,73,875/- on account of theft of electricity, has been dismissed on the ground that Civil Court has no jurisdiction.

Learned counsel for the appellant/plaintiff submits that both the Courts below have erroneously formed a opinion that notices were issued under Section 126 of the Electricity Act, 2003 (hereinafter to be referred as to 'the Act') whereas no assessment as envisaged under Section 126 has

been made. There is stark difference in proceedings under Sections 126 and 135 of the Act. Section 135 deals with theft of electricity & Special Court has jurisdiction to try, entertain and adjudicate the matter.

I have heard learned counsel for the appellant-plaintiff.

I am in agreement with the submission made by learned counsel for appellant-plaintiff that no assessment had been made under Section 126 of the Act.

While dealing with the theft of electricity, there is Special Court constituted by way of separate notification. Since rightly so, Civil Court has no jurisdiction to entertain and try the suit by way of such embarkment.

Judgment and decree of Courts below are upheld, but, it will not prejudice the case of appellant, in case appellant opts to approach the Special Court. In case any petition is filed before Special Court, the Special Court will not be influenced with the findings rendered by the Courts below.

Liberty is granted to the appellant to approach the Special Court within a period of one month from the date of receipt of certified copy of this order.

Appeal stands disposed of in abovementioned terms.

21.08.2015

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**(AMIT RAWAL)
JUDGE**