

CWP No.20664 of 2014

[1]

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

**CWP No.20664 of 2014
Date of decision:16.08.2016**

Shivraj Kumar Sachdeva

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. P.S.Poonia, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

Basically, the petitioner is aggrieved against the electricity bill (Annexure P-4). He had challenged that bill in a suit for declaration, which was dismissed on 09.11.2011, in which it was specifically held that “*therefore, the bill in question cannot be held to be illegal*”. The petitioner challenged that judgment and decree of the Civil Court dated 09.11.2011 by way of statutory appeal filed under Section 96 of the Code of Civil Procedure, 1908 (hereinafter referred to as the “CPC”). The said appeal was dismissed as withdrawn on 08.06.2012 with the following order:-

“Today the case is fixed for remaining arguments. Learned counsel for the appellant has made a statement that due to technical reasons he does not want to proceed further with the present appeal and same may be dismissed as withdrawn. Heard. In view of the statement, present appeal is dismissed as withdrawn. File be consigned to record room after due compliance.”

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The petitioner was not granted any permission by the First Appellate Court to challenge the said electricity bill before any other forum but the petitioner has challenged it by way of the present writ petition, which is not permissible in view of Order 23 Rule 1 of the CPC.

Consequently, the present petition is hereby dismissed.

August 16, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No