

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

RSA No. 1479 of 2016 (O&M)

Date of Decision: 20.09.2016

Naveen Garg

.....Appellant

Vs.

Punjab State Electricity Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Raman Mohinder Sharma, Advocate,
for the appellant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the appellant submits that though he cannot refute the fact that the jurisdiction to entertain a suit of this nature, (i.e. the suit filed in the instant *lis*), was with the Special Court and not with the Additional Civil Judge (Senior Division), Sunam, he relies upon a judgment of a co-ordinate Bench in **Kapoor Singh vs. Punjab State Power Corporation Limited and others** (CR No. 1865 of 2014), wherein in similar circumstances, the case was remitted back with a direction to the Special Court to pass a fresh order on the merits of the suit, determining the criminal and civil liability of the petitioner (in that civil revision petition).

Learned counsel further submits that in fact, even the present appeal had initially been filed as CR No. 2143 of 2016, but was ordered to be treated as an appeal by a co-ordinate Bench, vide its order dated 22.03.2016 and consequently, has now been listed as the present RSA No.

1479 of 2016.

Since the jurisdiction of the Courts below to entertain the suit out of which the second appeal arises is not disputed, in terms of what has been held by those Courts, this case is remitted to the Special Court constituted under Section 153 of the Electricity Act 2003, as had jurisdiction in the matter. That Court would go into all issues on merits, whatsoever arise in the instant lis, as per law.

With the aforesaid direction, this appeal is disposed of.

(AMOL RATTAN SINGH)
JUDGE

September 20, 2016
nitin

Whether speaking/reasoned	Yes
Whether Reportable	No.