

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

RSA No.2315 of 2016 (O&M)

Date of decision : 09.05.2016

Suresh Chand

...Appellant

Versus

DHBVNL 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. J.S. Hooda, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

CM No.6082-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 32 days in filing the appeal is condoned.

Application stands allowed.

CM No.6081-C of 2016

The application is allowed as deficiency in Court fees has been made good subject to all exceptions.

Applications stands disposed of.

Main case

The appellant-plaintiff is aggrieved of the dismissal of the suit seeking declaration and permanent injunction with regard to the demand raised at the instance of the respondent-defendant-DHBVNL on account of the alleged theft.

Mr. J.S. Hooda, learned counsel appearing on behalf of appellant submits that demand could not be raised as umpteen number of documentary

evidence has been placed on record that the meter had been burnt. Request was made for replacement of the same instead plaintiff had faced the wrath of the alleged theft. Both the Courts below dismissed the suit and held that suit was not maintainable.

I have heard learned counsel for the appellant and appraised the paper book.

In view of the provision of Section 145 of the Electricity Act, 2003 in respect of demand raised on account of alleged theft under Section 126 of the Act, there has been procedure prescribed under the Act. Civil Court did not have jurisdiction to try and entertain the suit.

Learned counsel for the appellant submits that he may be given liberty to approach the competent authority which may decide controversy uninfluenced with the findings rendered by the Courts below. In view of statutory provision of law qua Civil Court being barred to try the suit, I am of the view that judgment and decree of both the Courts below are hereby affirmed and do not suffer from illegality or perversity.

No ground for interference is made out. However, liberty is granted to the appellant for availing the remedy as available under the 2003 Act. In case such remedy is availed, within a period of two months from the date of receipt of certified copy of order, the competent authority as prescribed under the Act shall decide the same uninfluenced with the findings rendered by both the Courts below.

Regular Second Appeal with aforesaid observation, stands dismissed.

09.05.2016

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(AMIT RAWAL)
JUDGE