

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

RSA No.2504 of 2016 (O&M)

Date of Decision.09.09.2016

Vijay Kumar

.....Appellant

Vs.

Punjab State Power Corporation Ltd.

.....Respondent

Present: Mr. Vaibhav Narang, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff challenged the bill dated 26.11.2013 pertaining to account No.A24MS322206P whereby he had been called upon to pay a sum of ₹29,688/- and sought the consequential relief of injunction of disconnection of electricity on the premise that the aforementioned demand had been raised on account of theft of electricity.

Mr. Vaibhav Narang, learned counsel for the appellant submits that the procedure under Section 126 of the Electricity Act, 2003 was not followed and therefore, alleged action taken by the respondent was wrong. Despite availability of the alternative remedy, suit for injunction can be filed. The Courts below have dismissed the suit on the ground of jurisdictional error by invoking the provisions of Section 145 of the Electricity Act, 2003.

During the course of arguments, Mr. Vaibhav Narang, learned counsel for the appellant submits that instead of arguing on merits of the case, he may be granted liberty to avail the remedy as per the provisions of the 2003 Act. I am in full agreement with the aforementioned request of Mr. Narang and would deem it appropriate that in case any application

challenging the aforementioned demand is filed within a period of one month from today, accompanied by an application seeking for condonation of delay by taking the benefit of Section 14 of the Limitation Act, the competent authority shall decide the application by taking into consideration the bona fides of the appellant.

In view of the aforementioned observations, the second appeal is disposed of with the liberty granted above as the Civil Court was not having jurisdiction to try and entertain the relief sought in the suit.

(AMIT RAWAL)
JUDGE

September 09, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No