

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

RSA-4962-2013 (O&M)

Date of Decision: 15.03.2016

ASHOK KUMAR

...Appellant

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Mr. A.S. Sullar, Advocate
for the respondent.

DARSHAN SINGH J. (ORAL)

Learned counsel for the appellant contended that the appellant -plaintiff has already deposited the entire penalty amount under protest with the respondent. He further contended that the appellant-plaintiff has been pursuing the litigation before the Regular Civil Courts under some bonafide wrong and misconception with respect to the legal position. He contended that the Electricity Act, 2003 is complete Code, wherein the equal efficacious statutory remedy is available to the aggrieved person. He pleaded that the permission may be granted to withdraw the present appeal as well as the suit with liberty to the appellant to avail the statutory remedy available to him under the provisions of the Electricity Act, 2003. He relied upon cases **RSA No.4635 of 2014 (O&M), titled as M/s Harbhajan Singh and Sons and another Vs. Punjab State Electricity Board and another,**

RSA No.1518 of 2014 (O&M), titled as Darshan Singh Vs. Punjab State Electricity Board, Patiala and others and RSA No.2092 of 2015 (O&M), titled as M/s Gill Rice Mills Vs. Punjab State Electricity Board and another.

In view of the aforesaid submissions made by learned counsel for the appellant supported with the case laws referred above, the present appeal is hereby dismissed as withdrawn with the liberty as prayed for.

**(DARSHAN SINGH)
JUDGE**

March 15, 2016
rajneesh