

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

**RSA No.3899 of 2016 (O&M)**

**Date of Decision.08.11.2016**

Harbeer Singh

.....Appellant

Vs

Sub-Divisional Officer and another

.....Respondents

Present: Mr. Jai Bhagwan Sharma, Advocate  
for the appellant.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

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**AMIT RAWAL J. (ORAL)**

**C.M. No.10100-C of 2016**

For the reasons stated in the application, delay of 33 days in  
refiling the appeal is condoned.

Application is allowed.

**RSA No.3899 of 2016**

The appellant-plaintiff challenged the checking report dated  
04.08.2011 and subsequent assessment of penalty amount Rs.18,981/- and  
Rs.8,000/- on account of compounding fee assessed by the defendants on  
4.8.2011 and further restraining the defendants from disconnection the  
power supply. The trial Court decreed the suit of the appellant-plaintiff but  
the lower Appellate Court reversed the finding rendered by the trial Court,  
hence the regular second appeal.

Mr. Jai Bhagwan Sharma, 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-  
Corporation was wrong. Despite availability of the alternative remedy, suit

for injunction can be filed.

During the course of arguments, Mr. Sharma, 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. Sharma 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**

**November 08, 2016**  
Pankaj\*

Whether reasoned/speaking      Yes

Whether reportable      No