

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

RSA No.5328 of 2016

Date of Decision.18.10.2016

Parminderpal Singh

.....Appellant

Vs.

Punjab State Power Corporation Ltd. and others

.....Respondents

Present: Mr. Vijay Rana, Advocate
for the appellant.

-.-

AMIT RAWAL J. (ORAL)

The appellant-plaintiff challenged the order/memo No.546 dated 24.09.2010 whereby he had been called upon to pay a sum of ₹78,994/- 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. 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. Vijay Rana, 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. Vijay Rana, 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. Rana 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

October 18, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No