

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

**CM No.247-C of 2016 in/and
RSA No.1537 of 2014 (O&M)
Date of decision : 03.11.2016**

Atma Ram

.....Appellant

Versus

D.H.B.V.N.L. and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ramesh Sharma, Advocate for applicant-appellant.

DARSHAN SINGH, J. (Oral)

CM-247-C-2016

This application has been filed under Order 41 Rule 19 read with Section 151 of the Code of Civil Procedure, 1908 for restoration of the main appeal, which was dismissed for non-prosecution.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the main appeal bearing RSA No.1537 of 2014 is ordered to be restored at its original number.

CM-3657-C-2014

There is delay of 16 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 16 days in filing the present appeal is hereby condoned.

Main Appeal

Learned counsel for the appellant contended that the appellant-plaintiff has been pursuing the litigation before the regular civil courts under some *bona fide* 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 ***R.S.A No. 4635 of 2014 (O&M)*** titled as ***M/s Harbhajan Singh and Sons and another Vs. Punjab State Electricity Board and another, R.S.A No. 1518 of 2014 (O&M)*** titled as ***Darshan Singh Vs. Punjab State Electricity Board, Patiala and others*** and ***R.S.A 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counsel for the appellant supported with the case laws referred above, the present appeal is hereby dismissed as withdrawn with the liberty as prayed for.

03.11.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No