

RSA No.6324 of 2016 (O&M)

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

RSA No.6324 of 2016 (O&M)

Date of decision:07.12.2016

Diwan Bal Kishan Public School Narwana

... Appellant

Vs.

S.D.O, Operation Sub Division, UHBNNL, Naryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S.K.Garg Narwana, Senior Advocate with
Ms. Shweta Nahata, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff challenged the memo dated 19.04.2010 pertaining to electricity connection account No.ZZ-21/414-AW, whereby, he had been called upon to pay a sum of ₹1,92,487/- and compounding charges of ₹80,000/- 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. S.K.Garg, learned Senior Counsel assisted by Ms. Shweta Nahata, Advocate for the appellant-plaintiff submits that the procedure under Section 126 of the Electricity Act, 2003 was not followed and therefore, alleged action taken by the respondents 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. S.K.Garg, learned Senior 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. Garg 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 regular 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

December 07, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No