

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

CWP No. 3896 of 2017

Date of decision: 18.4.2017

DHBVNL & anr

Petitioner

vs.

Santosh Verma and anr

Respondent

Present: Mr. Padamkant Dwivedi, Advocate.

M.M.S.BEDI,J.

Vide impugned order dated 14.7.2016, the learned Additional District Judge, Gurgaon in exercise of powers of Special Court, constituted under the Electricity Act has held that respondent No.1 Santosh Verma is not liable to pay the amount assessed on the ground that it was a case of theft of electricity.

Counsel for the petitioner has submitted that the Special Court does not have jurisdiction to decide the case like a civil suit.

I have heard counsel for the petitioner and gone through the findings given by the Special Court holding that the checking report given by the J.E. to be without jurisdiction and the meter having not been tampered with, respondent No.1 cannot be said to have committed theft of electricity. The Special Court has got jurisdiction, as per the judgment in **Kapoor Singh vs. Punjab State Power Corporation Limited and others 2015 (2) RCR (Civil) 891** to decide the controversy of civil liability. No doubt, the Special Court has framed issues and taken up the case as a civil suit. The procedure adopted by the Special Court does not appear to be violative of any parameters of adjudication.

No ground is made out for interference.

Dismissed.

April 18 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No