

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

**RSA 5622/2015(O&M)  
Date of decision:04.09.2017**

Ravinder

.....Appellant

v.

Dakshin Haryana Bijli Vitran Nigam Ltd. And another

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh**

Present:- Mr.Kunal Mulwani,Advocate for the appellant.

**Jaswant Singh,J,(Oral).**

Plaintiff/appellant is in appeal directed against the judgment and decree of reversal dated 7.8.2015 passed by the learned District Judge, Palwal whereby the suit of the appellant/ plaintiff for declaration and mandatory injunction has been dismissed while setting aside the judgment and decree dated 21.4.2014 passed by the Trial Court/ Civil Judge (Junior Division)Hodal in favour of the plaintiff.

It is apparent that a case of theft of electricity in service station of the plaintiff was made out based on a report of the checking party leading to imposition of penalty and payment of compounding fee, if any. The Appellate Authority, vide impugned judgment and decree of reversal has held that the instant civil suit before the Civil Court was not maintainable as Special Courts have been constituted

under Section 153 of the Electricity Act,2003 and jurisdiction vested in them under Section 154(5).

At the time of hearing counsel for the appellant states that the matter has been compounded and therefore, the present appeal has become infructuous. He thus, prays for permission to withdraw the appeal in view of the statement made by the counsel.

Dismissed as withdrawn.

04.09.2017  
joshi

(Jaswant Singh)  
Judge

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |