

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

RSA No.3428 of 2016 (O&M)

Date of decision:16.05.2018

Amritpal Singh

...Appellant

Vs.

Punjab State Power Corporation Limited Patiala and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A.S.Cheema, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff challenged the bill dated 27.12.2013 whereby he had been called upon to pay a sum of ₹1,93,460/- and sought the relief of mandatory injunction directing the defendants to withdraw the aforementioned bill and to issue fresh bill or make necessary correction therein as per the actual consumption shown in bill as 57 unit for 60 days from 28.10.2013 to 27.12.2013 with consequential relief of permanent injunction restraining the defendants from disconnecting the electric connection. The trial Court dismissed the suit of the appellant-plaintiff on the ground that as per the provisions of Section 145 of Electricity Act, 2003 the Civil Court has no jurisdiction to entertain any suit and the lower Appellate Court affirmed the same, hence the regular second appeal.

Mr. A.S.Cheema, 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.A.S.Cheema, 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. Cheema 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 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

May 16, 2018
savita

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