

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

RSA No.4471 of 2017 (O&M)

Date of decision: 19.09.2018

Hans Raj Chhabra

..... Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Limited

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Karan Nehra, Advocate
for the appellant.

Mr. B.R. Mahajan, Sr. Advocate with
Mr. Prateek Mahajan, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Learned First Appellate Court while reversing the judgment passed by the learned trial Court has held that the jurisdiction of the Civil Court is barred in the disputes arising from theft of electricity covered under Sections 126 and 127 of the Electricity Act, 2003.

Learned counsel for the appellant has pointed out that this was not a case of theft of electricity and therefore, it would not fall in the scope of Sections 126 and 127 of the Electricity Act. Learned Advocate General, Haryana although made an attempt, however, could not dispute that in the present case, theft of electricity is not even alleged.

Keeping in view the aforesaid facts, the judgment passed by the learned First Appellate Court is set aside. The case is remanded back to the learned First Appellate Court to re-decide the appeal on merits.

The pending miscellaneous applications, if any, shall stand disposed of accordingly.

Appeal is disposed of.

Parties through their counsel are directed to appear before the learned First Appellate Court on 01.10.2018.

19.09.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No