

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

226

CR No.60 of 2018

Date of Decision : 01.03.2019

UTTARI HARYANA BIJLI VITRAN NIGAM AND OTHERS**....PETITIONERS****V/S****BIRAM DASS GARG****....RESPONDENT****CORAM : HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Pawan Kumar Longia, Advocate
for the petitioners.

None for the respondent.

B.S. WALIA, J. (ORAL)

[1] Despite service, none is present on behalf of the respondent.

Accordingly, respondent is proceeded *ex parte*.

[2] Learned counsel for the petitioners contends that the impugned order was passed, directing the petitioners-defendants not to disconnect the electricity supply in the premises of respondent-plaintiff, subject to deposit of 30% of the penalty amount claim and compounding charges without giving an opportunity to the petitioners-defendants to file the written statement as well as reply to the application under Order 39 Rule 1 & 2.

[3] Learned counsel for the petitioners states that in the circumstances, the petitioners-defendants would be satisfied if the revision petition is disposed of by directing the learned trial Court to consider and

CPC by the respondent-plaintiff in accordance with law, in the light of objections by the petitioners-defendants with regard to non maintainability of the proceedings before the learned Civil Court in the face of Special Courts established under Section 154 of the *Indian Electricity Act, 2003*.

[4] In the light of the position as noted above, the revision petition is disposed of by directing the learned trial Court to consider and decide the application under Order 39 Rule 1 & 2 read with Section 151 CPC filed by the respondent-plaintiff in accordance with law within a time bound manner.

[5] Revision petition is ***disposed*** of with the aforementioned direction.

(B.S. WALIA)
JUDGE

March 01, 2019
'Rajneesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No