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

**RSA-2344-2017 (O&M)
Date of decision : 19.03.2019**

Devi Lal

... Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. B.S. Mittal, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

CM-5719-C-2017

For the reasons stated in the application, which is supported by an affidavit, delay of 35 days in refiling the appeal is condoned.

CM stands disposed of.

MAIN CASE

The present appeal is directed at the instance of the appellant-plaintiff against the concurrent findings of fact and law, whereby the suit claiming declaration challenging the memo dated 03.09.2008, imposing the penalty of ₹74,802/- and ₹40,000/- as compounding fee, has been dismissed on the ground that as per the provisions of the Electricity Act, 2003 (in short 'the 2003 Act'), the Civil Court did not have jurisdiction.

During the course of arguments, Mr. B.S. Mittal, 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. Mittal, 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 for 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.

19.03.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**Whether speaking/reasoned **Yes/ No**Whether Reportable **Yes/ No**