

RSA-333-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-333-2017 (O&M)

Date of decision : 25.01.2019

Sheela

... Appellant

Versus

Uttri Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mukul Goyal, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

The respondents-Uttri Haryana Bijli Vitran Nigam Ltd. had issued notices bearing No.3643 dated 29.04.2011 of penalty of ₹ 20,070/- and No.3644 dated 29.04.2011 of compounding fee of ₹20,000/- which was assailed by the appellant in the civil suit. Both the Courts below have dismissed the suit simply on the ground that the Civil Court, as per the provisions of Section 145 of the Electricity Act, 2003 (in short 'the 2003 Act'), did not have jurisdiction. For the sake of brevity, the provisions of Section 145 of the 2003 Act read as under:-

"145. Civil court not to have jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an assessing officer referred to in section 126 or an appellate authority referred to in section 127 or the adjudicating officer appointed under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any

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action taken or to be taken in pursuance of any power conferred by or under this Act."

Faced with the aforesaid situation, learned counsel for the appellant submitted that he may be permitted to withdraw the present regular second appeal with liberty to take appropriate remedy by taking the aid of Section 14 of the Limitation Act.

Ordered accordingly.

25.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**