

RSA-6158-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-6158-2017 (O&M)
Date of decision : 23.01.2019

Sukhdev Singh

... Appellant

Versus

Punjab State Electricity Board and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. D.S. Malwai, Advocate and
Mr. Narinder Singh, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

The respondents-Punjab State Electricity Board had issued letter memo No.697 dated 17.06.2009, by raising the demand of ₹1,17,424/- 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.

23.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**