

In the High Court of Punjab and Haryana, at Chandigarh

Regular First Appeal No. 237 of 2021 (O&M)

Date of Decision: 08.09.2021

Abhay Kumar Jain

... Appellant(s)

Versus

Dakshin Haryana Bijli Vitran Nigam and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Anjum Ahmed, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. Through this appeal, the appellant assails the correctness of the judgment dated 17.03.2020, passed by the Additional District Judge, Faridabad, while deciding the petition for declaration with permanent injunction under Section 154 and 155 of the Electricity Act, 2003 (hereinafter referred to as “the 2003 Act”).

2. On 02.08.2021, the following order was passed by this Bench:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel representing the appellant prays for some time to examine the maintainability of the Regular First Appeal against the judgment passed by the Court of Additional District Judge, while deciding the petition under Section 154 and 155 of the Electricity Act, 2003. The office is also directed to examine the aforesaid fact and report the same.

Adjourned to 02.09.2021.”.

3. Thereafter, on 02.09.2021, the hearing of the case was once again adjourned to today.

4. The learned counsel representing the appellant has fairly stated that the petition filed before the Court of Additional District Judge, Faridabad, was itself not maintainable. However, he prays that since now there exists a decree, therefore, the same should be set aside.

5. Once the appellant himself admits that the petition, as filed, was not maintainable, the consequences will follow. However, at this stage, it will not be appropriate to adjudicate the aforesaid issue particularly in view of the stand of the appellant. Consequently, the appeal is disposed of with liberty to the appellant to resort to the remedy available in law.

(Anil Kshetarpal)
Judge

September 08, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No