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

(Through video-conferencing)

CWP No.21729 of 2021

Date of Decision: 28.10.2021

RAKESH MAHAJAN AND ANRPetitioners

Vs

PUNJAB STATE POWER CORPORATION LTD. AND ANR

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Rajinder Sharma, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

Learned counsel for the petitioners submits that the petitioners filed a suit for declaration to the effect that the Bills/show cause notice dated 16.08.2018 under Section 135 of the Electricity Act, 2003 issued by the respondents raising demand of Rs.88,056/- is totally illegal and against the rules. The suit was tried for two reliefs i.e. for declaration as well as mandatory injunction. Declaration was declined whereas the suit was partly decreed to the extent of granting mandatory injunction. Respondents/defendants-therein were directed to release the new electricity connection to the petitioners/plaintiffs-therein for the premises in question on completion of all requisite formalities like deposit of requisite

fee/charges as per Rules. The suit for relief of declaration was dismissed. According to Section 154(5) of the Act, the civil liability so determined by the Special Court shall be recovered as if it were a decree of Civil Court.

Since declaratory relief has already been rejected by the Civil Court, therefore, civil liability in the form of recovery from the petitioners would be by means of execution of decree. Even if specific decree is not drawn, the judgment is enforceable.

Learned counsel for the petitioners submits that he has already preferred an appeal against the impugned judgment and order dated 17.12.2019 passed by the Special Court under the Electricity Act, but the same has been returned by the Registry with some objections.

After arguing this case for some, learned counsel for the petitioner wishes to withdraw this petition with liberty to pursue his remedy of appeal in accordance with the law.

Dismissed as withdrawn with the aforesaid liberty.

(RAJ MOHAN SINGH)
JUDGE

October 28, 2021

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No