

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

121

CR No.2347 of 2021  
DATE OF DECISION : 27<sup>th</sup> OCTOBER, 2021

**Harvinder Singh**

.... **Petitioner**

**Versus**

**Punjab State Power Corporation Limited, Patiala & another**

.... **Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

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**In virtual Court**

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Present : Mr. Rajbir Singh, Advocate for the petitioner.

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**RAJBIR SEHRAWAT, J. (Oral)**

The petitioner has filed this petition under Article 227 of the Constitution of India for setting aside order dated 28.09.2021 (Annexure P-3) passed by the Special Court, Ludhiana vide which the suit bearing CS No.33/2021 titled as Harvinder Singh Vs. PSPCL, filed by the petitioner has been dismissed, along with certain other prayers.

At the outset, the counsel for the petitioner submits that the petitioner is not challenging the order qua the dismissal of the suit of the petitioner as not maintainable, the same having been filed before an inappropriate court, however, lest the petitioner should be adversely affected because of this order, this be clarified that the petitioner shall be at liberty to move the appropriate court for the same cause of action.

Having heard the counsel for the petitioner and having perused the impugned order and the paper book, this court finds substance in the argument of counsel for the petitioner. Although, while dismissing the suit as not maintainable, the court below has relied upon the judgment rendered by this court in *Dakshin Haryana Bijli Vitran Nigam Limited Vs. Jaswant @ Jaibir*, 2017(4) Law Herald 3312, wherein it has been held that the special court is not an appropriate court for determining the civil claim between the parties and that it is only the Civil Court which will have the jurisdiction to entertain the suit, however, the special court has omitted to specifically grant the liberty to the petitioner to file separate suit before the appropriate court. Although, no special liberty or permission is required for moving the appropriate court, provided the petitioner moved the same within the period of limitation, yet lest the order of the special court should be misunderstood at any subsequent stage, it is clarified that the petitioner would be at liberty to file a suit before the Civil Court for the same cause of action as was agitated by him before the special court, however, in accordance with law.

The petition stands disposed accordingly.

27<sup>TH</sup> OCTOBER, 2021  
'raj'

(RAJBIR SEHRAWAT)  
JUDGE

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|----------------------------|-----|----|
| Whether speaking/reasoned: | Yes | No |
| Whether Reportable:        | Yes | No |