

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

CR-23-2021(O&M)

Date of decision: 08.01.2021

PUNJAB STATE POWER CORPORATION LIMITED AND ORS

.....Petitioners

Versus

Gurdeep Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sidhant Bhonsle, Advocate for the petitioners

ANIL KSHETARPAL, J. (ORAL)

The defendants are assailing the correctness of the order passed by the learned Trial Court while dismissing their application under Order 7 Rule 11 CPC, to reject the plaint. Learned Trial Court has held as under:-

“5 I have heard the contentions of counsel for the applicants and counsel for the respondent and have gone through the material placed on record in the light of above said contentions of learned counsel for the plaintiff and defendants. As can be culled from the judicial record, the present suit has been filed by the plaintiff challenging the demand of Rs. 1,51,310/- raised by the defendant vide bill dated 14.10.2019. Further the plaintiff has also assailed the order of Chairperson, Consumer Grievances Redressal Forum, Patiala by virtue whereof the application of the plaintiff has been rejected vide order dated 25.02.2020 and further memo no. 726 dated 01.06.2020 issued by defendant no.3 by virtue whereof plaintiff was asked to deposit the remaining outstanding amount. Section 145 of the Electricity Act 2003 bars the jurisdiction of the Civil Court only in respect of matters in 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 this Act to determine. The factual matrix revealed by the pleadings on file shows that the matter in controversy does not fall under any of the above mentioned provisions of the Electricity Act 2003. The plaintiff is aggrieved by the act of the Sub Divisional Officer/Operation, Commercial Sub Division, Rajpura as well as Chairperson Consumer Grievances Redressal Forum which has rejected the application of the plaintiff on

25.02.2020 and thereafter defendant no.3 issued memo no. 726 dated 01.06.2020 by virtue whereof plaintiff was asked to deposit the remaining outstanding amount. So he discernibly has a legal right to knock the doors of a Civil Court for redressal of his grievances. While holding so, this Court places reliance upon the law laid down in Uttar Haryana Bijli Vitran Nigam Vs. Harjit Singh, 2014 (1) P.L.R. 184 wherein it has been held that in cases of faulty bill, the consumer has an option that before approaching the Civil Court he may take resort to Grievance Redressal System under Section 42 (5) of the Act, however even after approaching the Grievance Redressal System, if he is not satisfied, then he has the remedy to approach the Civil Court for adjudication of his dispute. As an upshot of the reasons cited supra, no grounds justifiable enough are made out for rejection of the plaint. Hence the application under deliberation is hereby declined.”

Learned counsel, for the petitioner, contends that since the plaintiff had filed a complaint, before the Forum, for redressal of grievance of the consumers created by the Punjab State Power Corporation Limited, therefore, he can not permitted to file the suit, subsequently.

On a court question, learned counsel, for the petitioners, admits that in the Electricity Act, 2003, there is no bar to the jurisdiction of the Civil Court after the order is passed by the Forum created by the defendants.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

08.01.2021

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Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE