

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

137

**RFA-25-2022(O&M)
Date of Order: 09.05.2022**

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ANR

..Appellants

Versus

ANIL GUPTA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.R. Mahajan, Sr. Advocate
with Ms. Nikita Goel, Advocate
for the appellants.

Mr. Tanmoy Gupta, Advocate
for respondent

ANIL KSHETARPAL, J(Oral)

While deciding the two Regular First Appeals bearing case No.RFA-445-2021, titled as “Punjab State Power Corporation Limited and another Vs. Kulwinder Singh” and RFA-2330-2021, titled as “Dakshin Haryana Bijli Vitran Nigam and another Vs. Vidyawati”, on 21.12.2021, it has been held that the Special Court constituted under the Electricity Act, 2003, does not have jurisdiction to entertain and decide a civil suit or application under Section 154 of the Electricity Act, 2003, in absence of a criminal case. This Court has relied upon the judgment passed by the Supreme Court in **North Delhi Power Limited Vs. Devinder Singh and another, Civil Appeal No.20842 of 2017, decided on 04.12.2017.**

The appeal filed by the Dakshin Haryana Bijli Vitran Nigam and another shall stand allowed and the judgment dated 03.03.2021, passed by the Special Court constituted under the Electricity Act, 2003, in a petition under Section 154 read with Section 135 of the Electricity Act, 2003, filed by the respondent, is declared to be without jurisdiction.

The parties shall be at liberty to avail an appropriate remedy.

All the pending miscellaneous applications, if any, are also disposed of.

May 09th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No