

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

RFA-216-2021(O&M)
Date of Order: 30.05.2022

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD ..Appellant
Versus
RAKESH KAUSHIK ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Longia, Advocate
for the appellant.

None for respondent.

ANIL KSHETARPAL, J(Oral)

Despite service of notice of the appeal, the respondent has not entered appearance.

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 Limited shall stand allowed and the judgment dated 06.01.2020, passed by the Special Court constituted under the Electricity Act, 2003, in a Suit for declaration with consequential relief of permanent injunction & mandatory injunction, filed by the respondent, is declared to be without jurisdiction.

Since, the matter is covered, therefore, the appeal is being disposed of, however, the served/unserved party shall have liberty to file an application for revival and modification, if so advised.

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

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

May 30th, 2022

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(ANIL KSHETARPAL)
JUDGE

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