

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

151

RFA-1106-2022

Date of decision: 08.09.2022

SARITA DEVI

..Appellant

Versus

DAKSHIN HARYANA BIJLI VITRAN NIGAM

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Rana, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

While deciding the two Regular First Appeals bearing RFA No.445-2021, titled as “Punjab State Power Corporation Limited and another Vs. Kulwinder Singh” and RFA No.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 the 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 learned counsel representing the appellant admits that the same legal issue arises in the present case.

Keeping in view the aforesaid facts, the present appeal is dismissed while observing that the petition before the Special Court under Section 154 and 155 of the Electricity Act, 2003, is not maintainable.

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

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

September 08th, 2022

(ANIL KSHETARPAL)
JUDGE

Ay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No