

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

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RFA-2630-2021(O&M)
Date of decision: 31.08.2022

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND ORS.

..Appellants

Versus

KAPIL

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pritam Singh Saini, Advocate
for Mr. S.K. Mahajan, Advocate
for the appellants.

Ms. Jasneet Mehra, 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 others shall stand allowed and the judgment dated 02.04.2021, passed by the Special Court constituted under the Electricity Act, 2003, in a suit/petition for declaration, permanent injunction with a consequential relief of mandatory injunction, filed by the respondent, is declared to be without jurisdiction.

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

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

August 31st, 2022
Ay

(ANIL KSHETARPAL)
JUDGE

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