

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

RFA-129-2020(O&M)
Date of Order: 30.05.2022

PUNJAB STATE ELECTRICITY BOARD AND ANR. ..Appellants

Versus

VIJAY BHUSHAN MEHTA ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Pal Singh Tinna, Advocate
for the appellant.

None 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 Punjab State Electricity Board and another shall stand allowed and the judgment dated 30.01.2017, passed by the Special Court constituted under the Electricity Act, 2003, in a petition under Section 154(5) of the Electricity Act, 2003, filed by the respondent, is declared to be without jurisdiction.

The impugned judgment is without jurisdiction, therefore, the delay of 747 days in refiling as well as delay of 151 days in filing the appeal is condoned.

Since, the matter is covered in the aforesaid judgment, 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