

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

RFA-1216-2022 (O&M)

Date of decision: 31.10.2022

Ram Murti since deceased through his LR

....Appellant

Versus

Punjab State Power Corporation Ltd. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sahil Soi, Advocate for the appellant
Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

In view of 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 Special Court constituted under the Electricity Act, 2003, is a Court of Sessions, therefore, has no jurisdiction to entertain the civil suit or an application under Section 154 (5) of the Electricity Act, 2003. Learned counsel representing the appellant submits that the appellant in the beginning filed a civil suit. An application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint was allowed, forcing the appellant to file proceedings before the Special Court. Hence, he submits that the Special Court should be directed to return the file or transfer the case to the court of competent jurisdiction.

It is evident from the reading of the impugned order that no such prayer was made before the Special Court.

Keeping in view the aforesaid facts, the appeal is disposed of with liberty to the appellant to file an appropriate application before

the Special Court.

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

31.10.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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