

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

**RFA-2280-2017 (O&M)
Date of Order: 30.05.2022**

DEVENDER SINGH

..Appellant

Versus

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Gautam, Advocate
for the appellant.

Mr.G.B.S. Gill, Advocate
for Mr. Gaurav Dhir, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

With the consent of the learned counsel representing the parties,
the appeal is taken on board for final disposal.

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 learned counsel representing the parties are *ad idem* that the same legal issue arises in the present case.

The impugned judgment is without jurisdiction, therefore, the delay of 186 days in filing the appeal is condoned.

Keeping in view the aforesaid facts, the present appeal is dismissed while observing that the suit for declaration and mandatory injunction, filed before the Special Court, is not maintainable.

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*