

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

**RFA-3069-2017 (O&M)
Date of Order: 30.05.2022**

K.K. GUPTA AND CO.

..Appellant

Versus

PUNJAB STATE POWER CORPORATION LTD. AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Swarn Tiwana, Advocate
for the appellant.

Ms. Diya Sodhi, Advocate
for respondents.

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 learned counsel representing the parties are *ad idem* 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 suit for declaration and permanent injunction 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

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>