

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

232(2)

**RFA-2384-2018(O&M)
Date of Order: 06.05.2022**

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. & ANR

..Appellants

Versus

SAT NARAIN

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baldev Raj Mahajan, Sr. Advocate
with Mr. R.S. Longia, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

CM-5151-CI-2018

For the reasons mentioned in the application for condonation of delay which is supported by an affidavit, the application is allowed.

The delay of 92 days in filing the appeal is condoned, subject to all the just exceptions.

CM stands disposed of.

Main

Despite service, the respondent has not entered appearance.

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 Uttar Haryana Bijli Vitran Nigam Limited and another shall stand allowed and the judgment dated 01.11.2017, passed by the Special Court constituted under the Electricity Act, 2003, in a suit for declaration with 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.

May 06th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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