

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

**RFA-13-2022(O&M)
Date of Order: 28.03.2022**

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD AND
ANOTHER**

..Appellants

Versus

SMT. SUDHA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Madhur Singh, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

Despite service of notice, 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 the jurisdiction to entertain and decide a civil suit or application under Section 154 of the Electricity Act, 2003, in the absence of a criminal case. This Court has relied upon a 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 Dakshin Haryana Bijli Vitran Nigam and another shall stand allowed and the judgment dated 03.02.2021, passed by the Special Court constituted under the Electricity Act, 2003,

in a suit for declaration filed by the respondent, is declared to be without jurisdiction. Hence, the judgment and decree dated 03.02.2021 passed by the Special Court are set aside.

Appeal stands allowed.

The parties shall be at liberty to avail the appropriate remedy.

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

28.03.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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