

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

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RFA-2655-2018(O&M)
Date of Order: 06.05.2022

GURNAIB SINGH

..Appellant

Versus

PUNJAB STATE POWER CORPORATION LTD AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Chahal, Advocate
for the appellant.

Ms. Naina Singh, Advocate
for Mr. Sehajbir Singh, Advocate
for PSPCL.

ANIL KSHETARPAL, J(Oral)

CM-5916 & 5917-CI-2018

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

The delay of 86 days in refiling as well as 2 days in filing the present appeal is condoned, subject to all the just exceptions.

CM stands disposed of.

CM-5918-CI-2018

Allowed as prayed for.

Main

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 petition before the Special Court under Section 154 of the Electricity Act, 2003, 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 06th, 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>