

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

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RFA-3496-2017(O&M)
Date of Order: 06.05.2022

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD & ANOTHER
..Appellants
Versus
WARYAM CHAND
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Longia, Advocate
for the appellants.

Mr. Sunil Kumar Bajaj, Advocate
for Mr. Sunil Kumar Nehra, Advocate
for respondent

ANIL KSHETARPAL, J(Oral)

CM-1673-CI-2022

The prayer made in the application is for preponing the date of hearing in the main case.

The present application has been rendered infructuous as the main case has already been listed for today itself.

Dismissed as having been rendered infructuous.

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 appeal filed by the Dakshin Haryana Bijli Vitran Nigam and another shall stand allowed and the judgment dated 27.04.2017, 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.

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
Ay

(ANIL KSHETARPAL)
JUDGE

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