

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

**RFA-3088-2018 (O&M)
Date of Order: 30.05.2022**

NARESH KUMAR

..Appellant

Versus

PUNJAB STATE POWER CORPORATION LTD. AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dhirinder Chopra, Advocate
for the appellant.

None for the respondents.

ANIL KSHETARPAL, J(Oral)

Despite service of the notice of the appeal, the respondents have 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 learned counsel representing the appellant agrees that the same legal issue arises in the present case.

Keeping in view the aforesaid facts, the present appeal is dismissed while observing that a petition under Section 154 of the Electricity Act, 2003, filed before the Special Court, is not maintainable.

Since, the matter is covered, therefore, the appeal is being disposed of, however, the served/unserved party shall have liberty to file an application for revival and modification, if so advised.

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

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