

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

**RFA-3790-2019(O&M)
Date of Order: 30.05.2022**

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND ANR.

..Appellants

Versus

M/S KISHAN METAL

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K. Longia, Advocate for the appellants.

Mr. Sudarshan Kumar, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

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.

The appeal filed by the Dakshin Haryana Bijli Vitran Nigam Limited and another shall stand allowed and the judgment dated 10.07.2019, passed by the Special Court constituted under the Electricity Act, 2003, in a petition under Section 154 & 155 of the Electricity Act, 2003 for declaration with permanent 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 30th, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>