

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

232(5)

**RFA-601-2018(O&M)
Date of Order: 06.05.2022**

PUNJAB STATE POWER CORPORATION LTD. & ANR.

..Appellants

Versus

CAPT. GULZARA SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Naina Singh, Advocate
for Mr. Sehajbir Singh, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

Despite service, 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 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 Punjab State Power Corporation Limited and another shall stand allowed and the judgment dated 23.10.2017, passed by the Special Court constituted under the Electricity Act, 2003, in a petition under Section 154(5) and (6) read with Section 135 of the Electricity Act, 2003, 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

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(ANIL KSHETARPAL)
JUDGE

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