

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232(6)

RFA-667-2018(O&M)
Date of Order: 06.05.2022

DAKSHIN HARYANA BIJLI VITRAN NIGAM & ORS

..Appellants

Versus

NACHHATTAR SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baldev Raj Mahajan, Sr. Advocate
with Mr. R.S. Longia, Advocate
for the appellants.

Mr. B.S. Mittal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

CM-1649-CI-2018

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

The delay of 20 days in refiling the present appeal is condoned, subject to all the just exceptions.

CM stands disposed of.

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

The appeal filed by the Dakshin Haryana Bijli Vitran Nigam Limited and another shall stand allowed and the judgment dated 26.09.2017, 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

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**(ANIL KSHETARPAL)
JUDGE**

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