

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

RFA-4119-2019 (O&M)

Date of decision: 19.04.2022

Udal Ram

....Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Arora, Advocate for the appellant
 Mr. Pritam S Saini, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

This Court has relied upon a 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**, 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 is held that the Special Court under the Electricity Act, 2003 is a Court of Sessions and therefore, does not have the jurisdiction to entertain a suit or application under Sections 153, 154, 155 and 156 of the Electricity Act, 2003. The Special Court has the jurisdiction to decide the liability in case a criminal case that is pending.

In the present case the appellant filed petition under Sections 154 and 155 of the Electricity Act, 2003 before the Special Judge. The petition was dismissed by the Special Court.

Since as per the judgment passed in **Punjab State Power**

Corporation Limited's case (supra), the Special Court has no jurisdiction to entertain the petition, therefore, present appeal is dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

19.04.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE