

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

215

CWP-28647-2019

Date of decision: 29.02.2024

NAKUL MOHTA

.....Petitioner

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED AND
OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Gaurav Mohunta, Advocate and
Mr. Satyendra Kumar, Advocate
for the petitioner.

Mr. R.D. Bawa, Advocate with
Mr. Samuel Gill, Advocate
for respondents No.1 and 2

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the judgment and decree dated 18.01.2019 passed by the Additional District Judge, Sirsa vide which the suit filed by the petitioner for declaration and mandatory injunction dated 07.03.2018 had been dismissed being without jurisdiction and void ab-initio. A further prayer has been sought for seeking directions to the respondents to refund the amount to the tune of Rs. 21086/- recovered vide memo dated 15.02.2018.

Counsel for the respondent-distribution licensee has informed that as on the date when the suit was instituted, an appellate remedy had already been notified by the Government of Haryana on 10.08.2017 with respect to the proceedings arising out of and in relation

to Section 135 of the Electricity Act, 2003

Faced with the above, counsel for the petitioner does not press the instant writ petition and seeks withdrawal of the suit so as to pursue his remedy before the Appellate Authority as notified on 10.08.2017, as amended from time to time.

In view of the above said fair stand by counsel for the parties, the present writ petition is allowed and the impugned judgment and decree dated 18.01.2019 passed by the Additional District & Sessions Judge, Sirsa is set aside, with the consent of the parties and without commenting on the merits thereof.

The petitioner shall be at liberty to pursue his alternative remedies as per law.

In the event of the petitioner filing an appeal before the competent authority as per the notification issued by the respondent-Department within a period of 30 days of receipt of certified copy of this order, an appropriate decision shall be taken thereupon by the competent authority, after affording an opportunity of hearing to the petitioner.

Petitions stands allowed.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 29, 2024

Vishal sharma

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