



221-68

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****RSA-503-2025 (O&M)****Date of Decision : 01.08.2025**

SUB DIVISIONAL OFFICER, (OP) UTTAR
HARYANA BIJLI VITRAN NIGAM LTD. ... Appellant(s)

Versus

MUNICIPAL COMMITTEE NILOKHERI & ANR. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. B.R. Mahajan, Senior Advocate with
Mr. S.K. Mahajan, Advocate for the appellant(s).

None for the contesting respondent No.1 despite service.

ALKA SARIN, J. (Oral)**CM-1677-C-2025**

For the reasons mentioned therein, the application seeking condonation of delay in filing the appeal is allowed and the delay in filing the appeal is condoned.

RSA-503-2025

1. The defendant-appellant is in the present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby its appeal was dismissed and the judgment and decree passed by the Trial Court in favour of the plaintiff-respondent was affirmed.

2. At the outset, learned counsel for the defendant-appellant has submitted that the question of law involved in the present appeal as to whether jurisdiction of the Civil Court is barred in view of Section 145 of the Electricity Act, 2003, has since been decided by the Hon'ble Division Bench of this Court in **RSA-4181-2016** titled as “**Mahesh Kumar Versus Sub Divisional Officer & Anr.**” vide judgment dated 14.05.2025.

3. None has put in appearance on behalf of the plaintiff-respondent No.1 despite service.

4. In view thereof, the present appeal is allowed, and the suit filed by the plaintiff-respondent No.1 stands dismissed on the ground of jurisdiction. However, the plaintiff-respondent No.1 would have the liberty to avail the remedies as available in law.

5. It is made clear that any evidence recorded/observations made in the impugned judgments and decrees would not operate as *res judicata* in any subsequent proceedings initiated by the plaintiff-respondent No.1. Pending applications, if any, also stand disposed off.

01.08.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO