

2025:PHHC:172720



157 (2 cases)

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

(1) **RSA No. 953 of 2021 (O&M)**
Date of Decision: 10.12.2025

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..... Appellants

Versus

Vijay

..... Respondents

AND

(2) **RSA No. 963 of 2021 (O&M)**

Vijay

..... Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. S.K. Mahajan, Advocate
for the appellants-defendants (in RSA-953-2021) and
for the respondents-defendants (in RSA-963-2021)

Mr. Ajaivir Singh, Advocate and
Mr. Vansham Chhabra, Advocate
for the appellant-plaintiff (in RSA-963-2021) and
for the respondent-plaintiff (in RSA-953-2021)

HARKESH MANUJA, J. (ORAL)

[1] This order shall dispose off the present two appeals bearing
RSA Nos. 953 & 963 of 2021, as the common questions of law and facts
are involved in these appeals.

[2] Appeal bearing RSA No. 953 of 2021 has been filed by the
defendants-UHBVNL, whereas another appeal bearing RSA No. 963 of
2021 has been filed by the plaintiff-Vijay. For the sake of convenience,

facts are being culled out from RSA No. 953 of 2021.

[3] By way of appeal bearing RSA No. 953 of 2021, challenge has been laid to the judgment and decree dated 10.02.2020 passed by the learned Additional District Judge, Jhajjar, whereby an appeal against the judgment and decree dated 04.09.2018 passed by the learned Civil Judge (Junior Division), Bahadurgarh dismissing the suit of the respondent-plaintiff (Vijay), was allowed thereby decreeing the suit of plaintiff.

[4] Learned counsel for the appellants-UHBVNL relies upon a decision dated 14.05.2025, rendered by the Hon'ble Division Bench of this Court in a bunch of appeals with lead case ***RSA-4181-2016***, titled as ***“Mahesh Kumar Versus Sub Divisional Officer & another”***, to contend that jurisdiction of the Civil Court is barred to entertain the suit preferred at the instance of respondents, in terms of Section 145 of the Electricity Act, 2003 and for the said purpose, relevant paragraphs No.31 to 33 thereof are extracted hereunder:-

“ 31. Therefore, the sweep, and, plenitude of Section 145, thus in the spoken therein manner, naturally completely ousts the jurisdiction of the Civil Courts. The said ouster, as becomes gathered by this Court, through the makings of an insightful interpretation of the supra phrases, which occur therein, but is a specific ouster, leaving no room at all for any inference qua any implied ousters becoming created. Though, the said ouster, as occurs in the initial segment but relates to certain matters specifically delineated therein, but since the last segment, as carried therein, is separately engrafted therein, as the word ‘and’ separates the last segment from the prior thereto three segments. Resultantly, the sweep of the last segment but takes within its ambit, sweep or clout, thus all those matters, which remain unspoken in the prior thereto

segments.

32. *Naturally therebys, in terms of the supra purposive interpretation assigned by this Court to the last segment of Section 145 of the Act of 2003, therebys all actions taken or proposed to be taken by any authority, thus in pursuance to powers conferred by or under this Act, rather cover all such matters, which are detailed in extenso in the Act of 2003. In sequel therebys but naturally all the actionable matters become amenable for exercisings of jurisdiction thereovers by the statutorily created special authorities/special bodies, wherebys in respect thereof, thus there is complete ouster of adjudicatory jurisdiction by the Civil Courts concerned.*

33. *In consequence, there is no restriction, as such created by Section 145 of the Act of 2003, vis-a-vis only the three segments (supra) which occur therein, but the ouster of adjudicatory jurisdiction of the Civil Courts, rather through the last segment which occurs therein, but does cover all the subject matters, in respect whereof action becomes initiated, or where actions are proposed to be contemplated against the errant concerned. In summa, therebys not only in respect of Section 126 and Section 127 of the Act of 2003 but also in respect of the matters falling within the ambit of Section 135 of the Act of 2003, there is complete ouster of jurisdiction of the Civil Courts”.*

[5] Learned counsel for the respondent-plaintiff is not in a position to dispute the factual and legal position.

[6] In view of the above, the present appeals are **disposed off** and the suit filed at the instance of respondent-plaintiff stands dismissed on the ground of lack of jurisdiction. However, the respondent-plaintiff would be at liberty to take recourse to the appropriate remedy as available, in accordance with law.

[7] 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 respondent-plaintiff.

[8] No orders are required to be passed in the pending application(s), the same shall stand disposed off.

December 10, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>