

2025:PHHC:111638



121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-1591-2022(O&M)
Decided on:-22.08.2025

UHBVN Ltd. and another

..Petitioners...

vs.

Kanwar Bhan and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anil Chawla, Advocate,
for the petitioners.

Mr. Sachin Kamboj, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to the judgments and decrees dated 28.09.2018 and 05.04.2022 passed by the Courts below, whereby, a suit filed at the instance of respondents-plaintiffs with the following prayer came to be decreed:-

“Claim: A decree for declaration to the effect that the impugned notice/letter bearing memo No SDIND-2015/677 dated 01.12.2015 Order of Assessment by Licensee of Theft under Section 135 and notice/memo No.SDIND/2015/678 dated 01.12.2015 under Sections 135 and 152 of Electricity Act, 2003 and notice S. No. 8332 dated 01. 12. 2015 regarding LL-1 No. 343/8557 dated 15.06 2015 of connection No.ID-13-2724-X (Old Connection No X-0404) are totally wrong, illegal, null and void, ineffective, inoperative and not binding upon the rights of the plaintiffs

and are liable to be withdrawn/set-aside/cancelled, with a consequential relief of permanent injunction restraining the defendants from disconnecting the electricity supply and also restraining the defendants from adding the alleged amount in the electricity bills against connection No.ID-13-2724-X(Old connection No.X-0404) of plaintiffs and also restraining the defendants from taking any criminal action by lodging theft case against the plaintiffs, may kindly be passed in favour of the plaintiffs and against the defendants, in the interest of justice. The costs of the suit may also be allowed.

Any other relief or reliefs to which the plaintiff is found entitled to may also be awarded to the plaintiffs.”

2. Learned counsel for the appellants relies upon a Division Bench decision rendered by this Court in the bunch of appeals with lead case RSA-4181-2016, decided on 14.05.2025, titled as **“Mahesh Kumar vs. 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.*

3. Learned counsel for the respondents-plaintiffs is not in a position to dispute the factual and legal position.

4. In view of the above, the present appeal is allowed and the suit filed at the instance of respondents-plaintiffs stands dismissed on the ground of jurisdiction. However, the respondents-plaintiffs would be at liberty to

take recourse to the appropriate remedy as available, in accordance with 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 respondents-plaintiffs.

6. Pending application, if any, also stands disposed of.

22.08.2025

sonika

Whether speaking/reasoned:
Whether reportable:

(HARKESH MANUJA)

JUDGE

Yes/No
Yes/ No