

2025:PHHC:161369



186 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-1527-2024(O&M)
Decided on:-14.11.2025

S.D.O. (Operation) Sub Division, DHBVN
and another

..Appellants...

vs.

Sikander

...Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

None for the respondent.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to the judgments and decrees dated 05.03.2024 and 23.04.2024 passed by the Courts below, whereby, a suit filed at the instance of respondent-plaintiff came to be decreed in his favour.

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. Despite service, no one has chosen to appear on behalf of the respondent.
- 4. In view of the above, the present appeal is allowed 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.
- 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 respondent-plaintiff.
- 6. Pending application, if any, also stands disposed of.

14.11.2025
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(HARKESH MANUJA)
JUDGE

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