

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****250****RSA-6809-2016 (O&M)****Date of Decision: 02.12.2025****DHBVNL & ANR****.... Appellants****Versus****BIO INNOVAT RESEARCH SERVICES****.... Respondent****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Pawan Kumar Longia, Advocate for the appellants.

NIDHI GUPTA, J. (ORAL)

The appellants-defendants are in second appeal against the judgment and decree dated 16.12.2015 passed by learned Additional District Judge, Gurgaon, whereby the appeal filed by the respondent-plaintiff against judgment and decree dated 28.02.2014 passed by learned Civil Judge (Junior Division), Gurgaon, dismissing the suit of the plaintiff, has been allowed with costs.

2. At the very outset, learned counsel for the appellant submits 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 vs. Sub Divisional Officer and Another**' vide judgment dated 14.05.2025.

3. In view of the above, the present second appeal is **allowed**, and the suit filed by the respondent-plaintiff stands dismissed on the



ground of jurisdiction. However, the respondent-plaintiff is at liberty to take recourse to the appropriate remedy as available, in accordance with law.

4. 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.

5. Learned counsel for the appellant undertakes to inform learned counsel for the respondent about the present order within two weeks from today. A copy of this order be also sent to the respondent/plaintiff by the Registry.

6. Pending application(s), if any, shall stands disposed of.

02.12.2025
Kusum

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No