

2025:PHHC:117557



131 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-530-2023(O&M)
Decided on:-01.09.2025

UHBVN Ltd. and another

..Petitioners...

VS.

Sukhdev Singh and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surinder K. Mahajan, Advocate,
for the petitioners.

Mr. Rajeshwar Singh, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to the judgments and decrees dated 12.10.2018 and 13.09.2021 passed by the Courts below, whereby, a suit filed at the instance of respondent No.1-plaintiff with the following prayer came to be decreed:-

“Claim: Prayed that a decree for declaration to the effect that the impugned notice No.929 and 930 dated 23.05.2016 under Section 135 and Section 152 issued by the defendants as well as alleged checking report dated 04.01.2016 which were issued by the defendant to the plaintiff and subsequent proceedings conducted by the defendants are illegal null and void, inoperative, unlawful, wrong, arbitrary, fabricated, without jurisdiction concocted and are against the provision of departmental rules, sale circulars of Nigam and Electricity Act and are not binding on the rights of the

plaintiff with mandatory injunction directing the defendants to cancel and withdraw the same and further directing the defendant to refund the amount with interest if recovered during the pendency of this suit with permanent injunction restraining the defendants from disconnecting the electricity connection Account No. KA-33/1074/DS of the plaintiff and from recovering the impugned illegal and bogus amount mentioned in the notices or any other illegal and bogus amount from the plaintiff and adding any illegal or bogus amount in future bills of the plaintiff and executing and operating the impugned notices mentioned above against the plaintiff in any manner or forcibly and illegally may kindly be passed in favour of the plaintiff and against the defendants with costs of the present suit.

It is also prayed that the defendants may also be restrained from adding the surcharge/interest on the stayed amount during the pendency of the suit.

Any other alternative or additional relief to which the plaintiff is found entitled by this Hon'ble Court or to which plaintiff becomes entitled during the pendency of suit may also be granted to plaintiff, in the interest of justice.

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 respondent No.1-plaintiff 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 respondent No.1-plaintiff stands dismissed on the ground of jurisdiction. However, respondents-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 respondents-plaintiff.
6. Pending application, if any, also stands disposed of.

01.09.2025
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(HARKESH MANUJA)
JUDGE

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