

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:058018



SAO-11-2022 (O&M)
Date of decision: 03.05.2025

PUNJAB STATE POWER CORPORATION LTD. & ANR.

..Appellants

Versus

AJAY KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

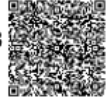
Present: Mr. Abhilaksh Grover, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. The defendants assail the correctness of First Appellate Court's order remitting the matter back to the lower Court for fresh decision. The plaintiff filed a suit for grant of decree of declaration to the effect that bill-cum-show cause notices issued on 20.05.2011 and 20.01.2015, directing the plaintiff to deposit Rs.1,67,726/- for theft of energy are illegal. The suit was dismissed on a preliminary point of lack of Civil Court's jurisdiction. The Court formed an opinion that the matter is required to be filed before the Special Court constituted under the Electricity Act, 2003.

2. In appeal, the First Appellate Court set aside the aforesaid observation and remitted the matter back to the trial Court.

3. In fact, this issue is no longer *res integra* in view of judgment passed in **RFA-445-2021, titled as "Punjab State Power Corporation Limited and another Vs. Kulwinder Singh" and RFA-2330-2021, decided on 21.12.2021** and a judgment passed by the Supreme Court in **North Delhi Power Limited Vs. Devinder Singh and another, Civil Appeal No.20842 of 2017, decided on 04.12.2017.**



4. Keeping in view aforesaid position, the appeal is dismissed.
5. The trial Court is directed to proceed with the suit.
6. All the pending miscellaneous applications, if any, are also disposed of.

May 03rd, 2025

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**(ANIL KSHETARPAL)
JUDGE**

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