

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 20842 OF 2017
(Arising out of SLP (C) No(s). 6883 of 2017)

NORTH DELHI POWER LIMITED
(NOW KNOWN AS TATA POWER DELHI
DISTRIBUTION LTD.)

APPELLANT (s)

VERSUS

DEVINDER SINGH & ANR.

RESPONDENT (S)

O R D E R

Leave granted.

A civil Suit, being CS No.51 of 2011, was filed by the respondents herein praying for a declaration that the act of the transfer of an electricity bill to the plaintiff is illegal, together with an injunction restraining the defendant from disconnecting the electricity of the plaintiff for non-payment of the bill in question. The Special Electricity Court, vide its order dated 19th December, 2011 referred to Sections 138 and 154 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') and then dismissed an application made under Order 7 Rule 10 of Code of Civil Procedure, 1908 stating that the Special Electricity Court set up under the Act would have jurisdiction to decide the suit in question.

In CM(M) No.451/2012, by the impugned order dated 2nd February, 2016, the High Court of Delhi referred to its

own previous judgment, and to Section 138 of the Act and dismissed the CM(M) No.451/2012. The North Delhi Power Limited - the appellant before us - has argued that the Special Court set up under Section 153 of the Act is a Court that exclusively deals with criminal matters and, that therefore, a Civil Suit cannot be filed before this Court.

Though served, nobody appears on behalf of the respondents.

Part XV of the Act deals with the Constitution of Special Courts. Section 153 states that this is for the purpose of providing for speedy trial of offences referred to in Sections 135 to 140 and Section 150 of the Act. The procedure and power of the Special Court is laid down under Section 154 of the Act, including the power to levy a penalty which is referred as "civil liability" under Section 154(5) and 154(6) of the Act. Section 155 states that the Special Court is to have the powers of a Court of Sessions, and Section 157 of the Act vests the Special Court with a power of Review. Under Section 156 of the Act, appeals and revisions that are available against the Court of Sessions and that are provided under the Code of Criminal Procedure, 1973 can also be availed of.

It is clear from a perusal of the aforesaid sections that the Special Electricity Court acts as a Court of Sessions and has been set up to try offences that are committed under the Act. By no stretch of imagination can it

be stated that a civil suit would be within the jurisdiction of such Court. We are, therefore, of the view that the impugned judgment deserves to be set aside.

The appeal is allowed in the aforesaid terms.

Pending applications, if any, shall also stand disposed of.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[NAVIN SINHA]

NEW DELHI
4th December, 2017

ITEM NO.52

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6883/2017

(Arising out of impugned final judgment and order dated 02-02-2016 in CM(M) No. 451/2012 passed by the High Court of Delhi at New Delhi)

NORTH DELHI POWER LIMITED
(NOW KNOWN AS TATA POWER DELHI
DISTRIBUTION LTD.)

Petitioner(s)

VERSUS

DEVINDER SINGH & ANR.

Respondent(s)

Date : 04-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Dhruv Mehta, Sr. Adv.
 Mr. Abhay Kumar, AOR
 Mr. Vineet Kumar Singh, Adv.
 Mr. Saurabh Mishra, Adv.
 Mr. Bilal Khan, Adv.
 Mr. Himanshu, Adv.

For Respondent(s) None.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall also stand disposed
of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)