



2026:DHC:2461



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Reserved on : 20th February 2026**
Pronounced on : 24th March 2026
Uploaded on : 02nd April 2026

+ **C.R.P. 92/2022 & CM APPL. 30596/2022**

BSES RAJDHANI POWER LTDPetitioner

Through: Mr. Sandeep Sethi, Mr. Buddy Ranganathan, Senior Advocates with Mr. Anupam Varma, Mr. Nikhil Sharma, Ms. S. Akshata, Ms. Shivali Rawat & Ms. Riya Kumari, Advocates.

versus

FATIK CHANDRA GHOSHRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J

1. Petitioner has challenged the Order dated 22nd March 2022 passed by the Additional Senior Civil Judge, Dwarka Court, Delhi in CS SCJ No. 324 of 2021 titled "*Fatik Chandra Ghosh vs. BSES Rajdhani Power Limited & Anr.*", wherein Petitioner's application under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("*CPC*") seeking rejection of the plaint filed by respondent was dismissed.



2. Respondent even after being served has chosen not to appear in the present proceedings and has been proceeded *ex- parte* in terms of order dated 03rd February 2026.

3. Petitioner's case is that the Trial Court has exercised jurisdiction not vested in it by law and thus in terms of Section 115 of CPC has prayed that the proceedings in CS SCJ No. 324 of 2021 titled "***Fatik Chandra Ghosh vs. BSES Rajdhani Power Limited & Anr.***" be finally disposed of.

4. As respondent/ plaintiff has been proceeded *ex-parte* and the subject matter of challenge in the present proceedings pertains to an application made by petitioner/ defendant under Order VII Rule 11 of the CPC, only the averments made in plaint are to be considered so as to examine whether the jurisdiction of Civil Court to take cognizance of issues pertaining to any action taken or to be taken in pursuance of any power conferred by or under the Electricity Act, 2003 (*'Electricity Act'*) is barred in terms of the provisions of Electricity Act.

Brief Facts

5. Respondent/plaintiff is the owner and is in possession of property bearing no. A-22/3, *Shyam Vihar, Phase-II, Dinpur, Najafgarh, New Delhi*, forming part of *Khasra No. 16/31 min*, situated in the revenue estate of *Village Goyla Khurd, Tehsil Najafgarh, New Delhi*.

6. On 23rd January 2021, the employees of defendants/petitioner started installing electricity transformers adjacent to plaintiff's property.



2026:DHC:2461



According to plaintiff, the installation was hindering his right to passage and that of other residents. Despite the protest from plaintiff, the installation of the transformer continued.

7. Aggrieved by the installation of transformer, plaintiff filed Civil Suit No. CS SCJ 324/2021 before the Court of the *Additional Senior Civil Judge, Dwarka Courts, Delhi* seeking declaration, mandatory and permanent injunction against the defendants.

8. During the pendency of the suit, petitioner/defendants filed an application under Order VII Rule 11 of CPC on 15th March 2021, seeking rejection of the plaint.

9. The principal ground taken in the said application was that the Civil Court lacked jurisdiction to adjudicate issues relating to the installation, shifting, or relocation of the electricity distribution network. Further, *Section 145* of the Electricity Act expressly bars the jurisdiction of Civil Courts in respect of matters relating to actions taken or to be taken in pursuance to powers conferred under the provisions of the Electricity Act, and therefore the relief sought by respondent/plaintiff could not be granted by the Civil Court. Petitioner also raised the plea of implied bar of jurisdiction, considering that Electricity Act is a complete code.

10. The said application was considered by the Trial Court, which *vide* order dated 22nd March 2022 dismissed the application under Order VII Rule 11 CPC, holding that the jurisdiction of the Civil Court is not barred under *Section 145* of the Electricity Act as the said bar applies



primarily to proceedings under Sections 126 and 127 of the Electricity Act.

Submissions of Petitioner

11. *Mr. Sandeep Sethi*, Senior Counsel, for petitioner company asserted that Electricity Act is a complete code in itself as it provides for rights, obligations, and mechanisms for the resolution of disputes. The Act provides for specific mechanisms and procedures which are to be followed for removal/ shifting of any electricity distribution network or for making objections to installation of electrical works by an Electricity Distribution licensee such as petitioner.

12. The jurisdiction of the Civil Court in respect of a plaint seeking injunction against installation/shifting/relocation of the electricity distribution network of petitioner operates against the universal supply obligation and powers conferred upon an electricity distribution licensee under Section 42 read with Section 67 of the Electricity Act. Consequently, the jurisdiction of the Civil Court is impliedly barred in terms of Sections 67, 111 and 125 of the Electricity Act read with the *Works of Licensees Rules, 2006*.

13. The issue with respect to bar on the jurisdiction of Civil Courts is no longer *res integra* as this Court has not only recognised the alternate statutory remedies available in respect of installation, shifting and relocation of electricity distribution network but has also conclusively adjudicated the import of *Section 145* of the Electricity Act. Petitioner has placed reliance on the following Judgments and Orders:



2026:DHC:2461



1. ***B.L. Kantroo v. BSES Rajdhani Power Ltd.***, 2008 SCC OnLine Del 1097;
2. ***Dhulabhai etc. vs. State of Madhya Pradesh & Anr.***, AIR 1969 SC 78
3. ***Mahesh Kumar vs. Sub Divisional Officer & Anr.*** 2025:PHHC:995844
4. ***Kalyani India Private Limited v. Government of NCT of Delhi*** in W.P. (C) No. 718/2020

14. Relief in plaint could also not have been granted as in terms of *Section 41 (h) of the Specific Relief Act, 1963*, wherein an injunction cannot be granted when equally efficacious relief could have been obtained by any other usual mode of proceeding.

15. The Trial Court in the impugned order has erroneously relied on ***Gurnam Kaur v. BSES Rajdhani Power Limited, 2018 SCC OnLine Del 7410*** as the same is not applicable on facts of the case since it pertains to a situation where electricity distribution works were installed within plaintiff's premises without the prior permission of plaintiff. Further, Judgment of Single Bench of this Court in ***BSES Rajdhani Power Ltd. v. Ashok Kumar***, 2008 SCC OnLine Del 832 is now not a binding precedent in view of the subsequent Judgment of Division Bench of this Court in ***B.L. Kantroo (supra)***. The judgment also does not deal with the issue of implied repeal as raised in the present case.



Analysis

16. Before advertng to the provisions of the Electricity Act it is necessary to set out Section 9, 115 and Order VII Rule 11 of the CPC: -

- (a) In terms of Section 9, the Civil Courts have jurisdiction to try all suits of civil nature. However, the jurisdiction is barred when their cognizance is either expressly or impliedly barred.
- (b) Order VII Rule 11 (d) of CPC mandates that a plaint shall be rejected where the suit appears from the statement in the plaint to be barred by any law. Thus, it is also incumbent upon the Court that before taking cognizance of the plaint to examined as to whether the suit is barred by any law.
- (c) Section 115 of the CPC provides that this Court can vary or reverse any order, if the same had been passed in favour of the party applying for revision, would have finally disposed of the Suit. The powers under Section 115 are to be exercised *inter alia* when it appears that the Subordinate Court has exercised jurisdiction not vested in it by law.

17. The bar on jurisdiction can be express or implied and is to be examined from the provisions of the Electricity Act. Reliance can be placed on the judgment of Supreme court in ***Dhulabhai etc. vs. State of Madhya Pradesh & Anr.***, AIR 1969 SC 78, wherein the following principles were enunciated:



“35. [...] The result of this inquiry into the diverse views expressed in this Court may be stated as follows:

(1) Where the statute gives a finality to the orders of the special Tribunals the Civil Court’s jurisdiction must be held to be excluded if there is adequate remedy to do what the civil courts would normally do in a suit. Such provision, however, does not exclude those cases where the provisions of the particular Act have not been complied with or the statutory Tribunal has not acted in conformity with the fundamental principles of judicial procedure.

(2) Where there is an express bar of the jurisdiction of the court, an examination of the scheme of the particular Act to find the adequacy or the sufficiency of the remedies provided may be relevant but is not decisive to sustain the jurisdiction of the civil court. Where there is no express exclusion the examination of the remedies and the scheme of the particular Act to find out the intendment becomes necessary and the result of the inquiry may be decisive. In the latter case it is necessary to see if the statute creates a special right or liability and provides for the determination of the right or liability and further lays down that all questions about the said right and liability shall be determined by the tribunals so constituted, and whether remedies normally associated with actions in Civil Courts are prescribed by the said statute or not.”

(emphasis supplied)

18. Reliance can be placed on the Division Bench judgment of this Court in **B.L. Kantroo v. BSES Rajdhani Power Ltd.**, 2008 SCC OnLine Del 1097, wherein this Court considered whether the jurisdiction of Civil Court is barred with respect to case of theft of electricity as under *Section 135* of the Electricity Act. The Court, as



regards bar on jurisdiction of Civil Court under *Section 145* of Electricity Act, noted as under:

“28. It is well-settled that the exclusion of jurisdiction of civil court cannot be readily inferred and the normal rule is that civil courts have jurisdiction to try all suits of a civil nature except those of which cognizance by them is either expressly or impliedly excluded. The scheme of the Electricity Act is complete in itself and thereby the jurisdiction of the civil court to take cognizance of the cases under the Act, by necessary implication, stood barred. The Act provides for the jurisdiction of the Tribunals and/or appropriate forum and also hierarchy of appeals or revisions and gives finality to the orders passed thereunder. This also necessarily implies that the jurisdiction of the civil court to take cognizance of the suit of civil nature covered under Electricity Act stands excluded. Consumer cannot approach civil court without exhausting alternative remedies provided under Electricity Act.

29. It is true that ordinarily, the Civil Court has jurisdiction to go into and try the disputed questions of civil nature, where the fundamental fairness of procedure has been violated. By necessary implications, the cognizance of the civil court has been excluded. As a consequence, in the present case, the Civil Court shall not be justified in entertaining this suit and giving the declaration without directing the party to avail of the remedy provided under the Act. Therefore, by necessary implications, the appropriate competent authority should hear the parties, consider their objections and pass the reasoned order, either accepting or negating the claim. Of course, it is not like a judgment of a civil court. Civil court has no jurisdiction by necessary implication to entertain suit for declaration and injunction against specially constituted forum in view of the specific provisions found in the Electricity Act. [(1997) 5 SCC 120].



30. *Although there is no specific provision in Section 145 of the Act for exclusion of jurisdiction of Civil Court to entertain any proceeding in respect of any matter which the Special Court is empowered by or under the Act to determine, we are of the view that any dispute about civil liability in theft cases is impliedly excluded from the jurisdiction of civil court in view of the provisions of Section 153 and 154 of the Act wherein special court has got the jurisdiction to determine any dispute regarding the quantum of civil liability specifically in theft cases and the said court can act as civil court as well as criminal court while conducting the cases before it.”*

(emphasis supplied)

19. The challenge to ***BL Kantroo*** (*supra*) judgment was also rejected by an Order dated 13th April 2009 passed by the Supreme Court in Special Leave to Appeal (C) No. 7883 of 2009 titled as “***B.L. Kantroo vs. BSES Rajdhani Power Ltd.***”.

20. In the present case, under Section 42 of the Electricity Act, the Electricity Distribution Licensee is required “*to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.*”. Further, under Section 67 of the Act the licensee is empowered to lay down electric lines, install electrical plants and undertake all necessary works for the supply of electricity, including works relating to streets, pavements and other public infrastructure.

21. *Section 67(4)* of Electricity Act further provides that in case of any dispute or difference relating to installation, operation,



maintenance, shifting or relocation of electricity distribution network, the same is to be adjudicated by the appropriate *State Electricity Regulatory Commission*, i.e. the *Delhi Electricity Regulatory Commission* (DERC) in the present case. The regulatory framework under the Electricity Act, 2003 and the Works of Licensees Rules, 2006 thus empowers authorities such as the DERC to examine and decide issues relating to installation, objections, permissions, relocation and compensation.

22. The Electricity Act also provides a complete hierarchy of adjudicatory authorities. Any person aggrieved by an order of the DERC may file an appeal before the Appellate Tribunal for Electricity (*APTEL*) under Section 111, whose orders are executable as a decree of a Civil Court under Section 120. A further appeal on substantial questions of law lies before the Supreme Court under Section 125 of the Act. In addition, Section 94 confers powers of a Civil Court upon the Commission for the purposes of inquiry and proceedings, and such proceedings are deemed to be judicial proceedings. In view of this comprehensive statutory mechanism for adjudication and redressal of disputes relating to electricity distribution infrastructure, it was contended that the jurisdiction of the Civil Court under Section 9 CPC stands impliedly barred in matters arising from actions taken under the Electricity Act, consistent with the principles laid down by the Supreme Court in *Dhulabhai* (*supra*) and *BL Kantroo* (*supra*).



2026:DHC:2461



23. The Petitioner has placed reliance on *Rules 3, 13 and 15* of the Works of Licensees Rules, 2006 to contend that any person objecting to the installation or seeking removal or shifting of electricity distribution infrastructure is required to approach the District Magistrate or the Commissioner of Police, whose decision is further subject to revision before the DERC, which is the appropriate state regulatory commission. It is submitted that the Works of Licensees Rules provide a statutory mechanism for adjudication of such disputes. Reliance has also been placed on order of this Court in *Kalyani India (supra)*, wherein the availability of such alternate statutory remedy under the Electricity Act, 2003 and the Works of Licensees Rules, 2006 has been recognized.

24. Further, reliance can also be placed upon the *Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017* framed under Sections 46, 50, 57 and 181 of the Electricity Act, 2003, which have statutory force and regulate the installation, maintenance, shifting and relocation of electricity distribution networks. In particular, *Regulation 22* requires a developer or applicant seeking electricity supply to provide adequate space free of charge for installation of transformers and related infrastructure, while *Regulation 24* prescribes the procedure for shifting or relocation of existing electric lines or electrical plants upon application and subject to technical feasibility and compliance with prescribed conditions. It is therefore contended that since a statutory mechanism exists for redressal of such grievances, any objection regarding installation or



relocation of transformers must be addressed before the appropriate forum under the Electricity Act and not before the Civil Court.

25. The decision of the Division Bench of this Court in ***B.L. Kantroo*** (*supra*) is a binding precedent and this Court is bound by the said decision.

26. Similar view has also been taken by this Court ***Smt. Deepika Kalra v. BSES Rajdhani Power Ltd***, 2009 SCC OnLine Del 4216, wherein this Court was dealing with issue of theft of electricity under *Section 135* of the Electricity Act, the Court as regards jurisdiction of Civil Courts held as under:

“12. Thus, it is clear that though, not specifically but, by necessary implication the appropriate competent authority should hear the parties, consider their objections and pass a reasoned order either accepting or negating the claim and, therefore, under the circumstances Civil Court has no jurisdiction by necessary implications to entertain a suit for declaration and injunction against specially constituted forum in view of the specific provisions found in the Electricity Act...”

(emphasis supplied)

27. Even otherwise, as regards the ouster of the jurisdiction of the Civil Court, a recent judgment by the Division Bench of the Punjab and Haryana High Court in ***Mahesh Kumar vs. Sub Divisional Officer & Anr.*** 2025 SCCOnLine P&H 2540, maybe adverted to. The relevant extracts from the said judgment are extracted as under:

“21. Since the instant reference appertains to the ouster of



the jurisdiction of the Civil Courts, thereby first and foremost, this Court is required to be fathoming, thus from the provisions embodied in Section 145 of the Electricity Act, 2003, whether thereby the jurisdiction of the Civil Courts, as become endowed upon them under Section 9 of the Code of Civil Procedure, provisions whereof already become extracted hereinabove, rather thereby become either expressly or impliedly barred/curtailed.

22. For making an incisive and well rendered contemplated answer to the supra, it is necessary to bear in mind the fact, that a special statute either expressly or by necessary implication, thus can proceed to bar the exercisings of jurisdictions by the Civil Courts, but in respect of specifically delineated matters. Of course, thereby only with respect to certain specifically delineated matters in the special statute concerned, thus the jurisdiction of the Civil Courts, rather naturally becomes expressly barred. As such, the said created specific bar, but can be operationalized only vis-avis the therein specifically delineated subject matters, and, cannot ipso facto become extended, thus to even cover those matters, which are not specifically delineated in the special statute. In consequence, in respect of those matters, which do not become covered in the special provisions engrafted in the special statute, in respect whereof there is an explicit ouster of exercisings of jurisdiction thereovers by the Civil Courts, thereupon rather vis-a-vis the omitted to from the apposite ousted subject matters, hence the Civil Courts can proceed to exercise jurisdiction, but reiteratedly only over such non-ousted matters. ...

25. Consequently, the relevant ousting provisions or those ousting provisions, in the instant special statute, namely the Act of 2003, which thus oust the adjudicatory jurisdiction of the Civil Courts, would prevail to the extent of the subject matters, as become expressedly detailed therein. If such subject matters are to be decided by the specially created



statutory bodies, envisaged in the Act of 2003, thereupon over the apposite subject matters, rather the Civil Courts but naturally become disabled to exercise effective adjudicatory jurisdiction...

27. A deep reading of the said provisions makes trite underscorings, that it becomes compartmentalized into different segments.

28. (I) The initial segment thereof commences, from the speakings as made therein, whereby there is an ouster of exercisings of adjudicatory jurisdiction by the Civil Courts, over any suit or proceeding arising from invocation of the mandates embodied in Section 126 of the Act of 2003.

(II) The second segment thereof, whereby also there is ouster of adjudicatory jurisdiction of the Civil Courts, relates to the said ouster appertaining to the invocation(s) of the mandate embodied in Section 127 of the Act of 2003.

(III) Moreover, the third segment thereof, appertains to therebys there being also an ouster qua exercisings of adjudicatory jurisdiction over a civil suit or civil proceeding, thus by the Civil Courts, but vis-a-vis the making of adjudication by the adjudicating officer appointed under the Act of 2003.

(IV) However, lastly since all the above spoken three segments, which occur in Section 145 of the Act of 2003, but end with the word 'and' and subsequent thereto, there is a prohibition against the granting of injunction by any Civil Court or other authority in respect of "any action taken or to be taken in pursuance to any power conferred by or under this Act". As such, the said 'and' which separates the preceding therewith above alluded to three segments, but naturally has to be assigned its effective, purposeful and impactful interpretation, as its introduction therein, is but with a profound legislative intent.



29. *The coinage ‘and’ which separates the prior thereto above three spoken segments, does prohibit the learned Civil Courts, to grant injunction in respect of any action taken or to be taken in pursuance to any power conferred under the Act of 2003. Conspicuously, the sweep of the plain speaking interdictory phraseology, as becomes echoed therein, inasmuch as, with speakings therein, which graphically display qua ‘no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act but naturally is to be assigned the fullest statutory vigour. Therefore, and, more especially, the supra echoing(s), as made therein, whereby there becomes cast a statutory prohibition against the Civil Courts, thus for granting injunction(s), rather is expansive in genre to the extent, that thereby the Civil Courts concerned, become restrained from undertaking proceedings qua the already taken statutory actions, and, also become restrained from making any prohibitory injunction upon the authorities designated in the Act of 2003, thus against the latter initiating proposal(s) to take any action in pursuance to the powers conferred upon them under the Act of 2003.*

30. *In sequel, and, more pointedly, the words used therein ‘ in respect of any action taken’ , and, which becomes succeeded by ‘ or ’, whereafter the coinage ‘ to be taken in pursuance of any power conferred by or under this Act’ , thus thereby makes the word ‘ or ’ to be readable as ‘ and ’, whereby not only the actions taken, rather cannot become restrained from being so taken, either through an interim order or a final decree in the said regard becoming passed by the Civil Court(s), but also the proposed to be taken actions by the designated authorities, also cannot be restrained from being so proposed to be taken or initiated, thus through either an interim order becoming passed by the Civil Court(s) concerned, or through a final decree in the said regard becoming passed by the Civil Court(s) concerned, through the exercisings of jurisdiction in terms*



of Section 9 of the Code of Civil Procedure.

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.”

(emphasis supplied)

28. Even though the judgment has been challenged in SLP (C) No. 6446/2026 titled as “**Jarnail Singh vs. Executive Engineer & Ors.**” before the Hon’ble Supreme Court, there is no stay of the operation of this judgment.

29. Furthermore, the reliance placed by the Trial Court in the impugned order on the judgments in **Gurnam Kaur** (*supra*) and **Ashok Kumar** (*supra*) decisions is incorrect.

(a) This Court in **Gurnam Kaur v. BSES Rajdhani Power Limited** (*supra*) recorded that the case pertained to a situation wherein the Electricity Distribution Licensee had installed the electricity distribution transformer within the premises of the owner without even taking any permission from the owner.

(b) The Division Bench of this Court by an Order dated 28th May 2018 passed in EFA (OS) 3/2018 titled “**BSES Rajdhani Power Ltd. vs. Gurnam Kaur (Deceased) through LRs**” dismissed the Appeal as withdrawn, therefore no binding precedence was laid down.

(c) **BSES Rajdhani Power Ltd. v. Ashok Kumar** (*supra*) is not a binding precedent in view of the subsequent Judgment of Division Bench of this Court in **B.L. Kantroo** (*supra*). Further,



the judgment of *Ashok Kumar (supra)* did not consider the import of the provisions of Section 67, 111, 125 and other provisions of the Electricity Act.

Conclusion

30. The principle that can be culled out from judgment cited above, in terms of *Section 145* of the *Electricity Act*, is that there is an express bar of jurisdiction of the Civil Courts. *Section 145 of Electricity Act* is extracted under:

“145. Civil court not to have jurisdiction.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an assessing officer referred to in section 126 or an appellate authority referred to in section 127 or the adjudicating officer appointed under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”

31. As the installation, operation and maintenance including the shifting and relocation of the electricity distribution network is governed by the provisions of the *Electricity Act*, the Trial Court did not have the subject jurisdiction to take cognizance and try the suit in respect of any action taken or to be taken in pursuance of the powers conferred by or under the *Electricity Act*.

32. Considering *Electricity Act* is a complete code in itself and expressly and impliedly bars the jurisdiction of a Civil Court to



adjudicate upon issues pertaining to installation, operation and maintenance and also the shifting and relocation of the electricity distribution network in terms of Sections 67, 111, and 125 of the *Electricity Act* and the *Works of Licensees Rules, 2006*.

33. The Civil Court does not have the jurisdiction to take cognizance of matters relating to and governed by the provisions of the *Electricity Act*, including those related to installation, operation and maintenance of electrical works and electricity distribution network and also regarding shifting and relocation of the electricity distribution network. The jurisdiction of the Civil Court is barred as per Section 9 of the CPC in view of *Section 145* of the *Electricity Act* and no injunction can be granted in respect of or in relation to any action done or to be done in exercise of powers conferred under the provisions of the *Electricity Act*.

34. The *Electricity Act* being a special statute dealing with matters concerning generation, transmission and distribution of electricity, also provides for specialized fora and a complete adjudicatory hierarchy for resolution of disputes arising under the Act. The legislative scheme thus reflects the intent that disputes pertaining to rights and obligations created under the Act are to be examined by the authorities and Tribunals constituted thereunder. Therefore, considering that the *Electricity Act* is a complete code, there is an implied bar on the jurisdiction of Civil Courts as under Section 9 of CPC.

35. The impugned order passed by the learned Trial Court does not adequately consider the aforesaid statutory framework or the legal



2026:DHC:2461



position emerging from the provisions of the *Electricity Act, 2003* and the *Works of Licensees Rules, 2006*, as well as the judgments of this Court relied upon by the Petitioner. Consequently, the order suffers from a jurisdictional infirmity warranting interference by this Court in exercise of its revisional jurisdiction.

36. Therefore, the petition is allowed, and the impugned order is set aside. The petition is disposed of in above terms.

37. Pending applications, if any, are rendered infructuous.

38. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
(JUDGE)**

MARCH 24, 2026/RK/ZB