

KACN320013382022



Presented on : 12-04-2022

Registered on : 13-04-2022

Decided on : 03-06-2026

Duration: 04 years, 01 months, 21 days

IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT : SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 03rd day of June-2026

O.S. NO.113/2022

Plaintiffs : 1. **Maheesh Ahmed**
S/o Dastagir,
Aged about 40 years,
R/at: H.No.208/532, Gottigere,
Hommadevanahalli, Sanbil School,
Bengaluru South.

2. **Hafees Abdul**
S/o Mohamed Adeezuddin,
Aged about 62 years,
R/at: H.No.50, 2nd Cross, BTM,
1st stage, Bannerugatta Road,
Dharmaram Collage, Old
Gurappana palya, Bengaluru South.

Versus

Defendants : 1. **The Executive Engineer (Elec)**
Executive & Maintenance Division,
CHESCOM, Kollegal.

2. **Sri. Nagaraju,**
K.E.B. Contractor,
R/at: Sathegala Village,
Kollegala Taluk,
Chamarajanagara District.

ORDER ON PRELIMINARY ISSUE

1) This Court, considering the rival contentions of the parties, had framed following preliminary issue and directed parties to address their arguments on preliminary issue.

1. Whether the suit is barred by section 145 of the Electricity Act, 2003?

2) The plaintiffs and defendants, inspite of grant of sufficient opportunities, failed to address arguments on preliminary issue. Perused, materials on the record.

3) Before going into the facts and circumstances of the case, this court feels it appropriate to refer to section 145 of the Electricity Act, which reads as follows:

Section 145. (Civil courts 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.

4) From understanding Section 145 of the Electricity Act, it is apparent that, the civil court does not have jurisdiction to try suit, with regard to any act related to assessing officer, appellate authority or any authority appointed under this Act. Thus the question for consideration would be to see whether the present suit is the matter related to the authorities mentioned in Section 145 of the Act.

5) In this connection if the facts of the case are looked into, it could be observed that, the present suit is filed for the relief of mandatory injunction directing the defendant No.2 to not to illegally obtain electricity connection from the T.C installed in the suit schedule property and it is the case of the plaintiff

that, they have got installed a 25 K.V Transformer within the schedule property for industrial purpose, but due to covid-19 they could not have started the industry, such being the case the defendant No.2, in the absence of the plaintiffs is illegally obtaining electricity connection from the T.C situated within the schedule property and it is apparent that, stealing of electricity is an offence under the Electricity Act and as such when the act under dispute is an offence, civil court will not have jurisdiction of trying such suit and more over, restraining or maintaining the electricity connections and its maintenance without letting to get steeled is the work allotted to the authorities under the Act. Thus when the question under dispute is an act, assigned to authorities under Electricity Act, certainly present suit is not maintainable as it is barred under Section 145 of the Electricity Act. Thus this court is of the opinion that, the present suit is barred under Section 145 of the Electricity Act. Accordingly this court answers **Preliminary Issue in the Affirmative and proceeds to pass the following.**

-.: ORDER :-

The suit of the plaintiff is dismissed as barred
under Section 145 of the Electricity Act.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 03rd day of June 2026).

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.