

IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9417/2007

ARVINDER KAUR SETHI

..... Petitioner

Through Mr.Jaswinder Singh, Advocate.

versus

STATE & ORS

..... Respondent

Through Mr.K.Dutta with Mr.Manish Srivastava,
Advocate for NDPL.Mr.S.P.Sharma, Advocate for respondents
1, 3 & 4.Mr.Rajiv Bansal with Mr.Harshit Agarwal
Advocate for the DDA.Mr.Shambhu Nath Singh, Advocate for
respondent no.7.**CORAM:****HON'BLE MS. JUSTICE GITA MITTAL****ORDER****07.10.2009**

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1. This writ petition has been filed by the petitioner alleging that the respondents have illegally installed transformers and generators at certain points shown in the site plan as Annexure P-2 at page 43 of the paper book thereby imperiling the safety of person and property.

The petitioner has claimed to be the owner in occupation of the Dilkhush Industrial Estate. This claim is disputed by respondent no.7 who has filed a counter affidavit and has also placed reliance on an order dated 16th October, 2008 passed by this court. I find that this court has, noticed in detail the submissions made by the parties, with regard to the claim of the ownership

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and also other litigation which is pending before the civil court and the disputes raised therein. It has been observed ~~an observation to the effect that~~ the prayers made in the writ petition could be sought in the civil court as well. For the reason that the North Delhi Power Ltd. (NDPL) was a party/respondent no.2 before this court, further directions for filing the status report were made.

2. Mr.K.Dutta, learned counsel appearing on behalf of NDPL has placed an additional affidavit dated 14th May, 2009 sworn by Mr.Swapan Kumar Dey, the Distt. Manager of respondent no.2-Company. As per this affidavit, the premises in question were electrified 20 years ago by the Delhi Vidyut Board. It is stated that there are two transformers of 630 KVA each installed in the subject premises supplying electricity to 111 consumers in the Dilkhush Industrial Estate and that the respondent no.2 has taken over distribution of electricity from the erstwhile Delhi Vidyut Board only in the year 2002.

So far as the steps which have been taken to improve the infrastructure for distribution of electricity and to ensure safety in the complex, are concerned, it has been deposed in the aforesaid affidavit dated 14th May, 2009 as follows :-

"6. That to prevent any mishap or accident, all old 11 KV panels installed by the erstwhile DVB for protection of transformers is being replaced by state of art Gas RMU panels, which are faster and provides accurate tripping in case of any fault or problem with transformer. It is further submitted that in event of any fault or problem with transformer, state of art Gas RMU panels accurately and efficiently disconnect the transformer from the main supply, which not only protect the transformer but also eliminates possibility of any mishap.

7. That apart from state of art Gas RMU panels, the transformers are also protected by LT ACB. It is submitted that LT ACB are circuit breakers, which in event of any fault or problem with functioning of transformers, cut off the supply of electricity to

the transformers to prevent any damage.

8. Further, the officials of the respondent no.2 Company carry out inspection and maintenance work at regular interval to ensure that all transformers are working properly and as per the standard laid down in this regards. It is submitted that the Respondent No.2 Company is taking all possible measures to ensure that equipment/transformers installed are properly maintained and safe.

9. That respondent no.2 has also adopted and undertaken a comprehensive preventive inspection and maintenance program for all its distribution transformers at regular intervals to ensure that all transformers are maintained properly and are safe.

10. I state that out of total 248 transformers, 37 belong to the consumers and 211 to Respondent no.2. It is submitted that Respondent no.2 under guidance of Delhi Electricity Regulatory Commission, has issued notices to 31 consumers asking them to change their transformers to dry type transformers or shift them in open space, depending upon status of each transformers.

11. I state that in as far as 211 transformers, which belongs to Respondent No.2 Company, are concerned, Respondent No.2 Company is in process of replacing the oil type transformers with dry type transformers subject to approval of CAPEX (Capital Expenditure) by the Delhi Electricity Regulatory Commission. Further, the Respondent No.2 Company is also exploring the possibility of replacement of oil is input of the transformer to fire resistance oil, which will further reduce possibility of any mishap or risk emanating from the transformers.

12. That Respondent No.2 has already replaced old KV panels with state of art Gas RMU panels and also installed LT ACB as additional protection to the transformers at Dilkhush Industrial Estate. It is further submitted that Respondent No.2 Company is carrying out regular inspection and maintenance work to ensure that transformer installed at Dilkhush Industrial Estate maintained properly."

3. In view of the above, it would appear that all apprehensions which have been expressed in the writ petition are being addressed by the respondent no.2 which has voluntarily taken active steps for proper maintenance of the transformers towards and ensuring public security. The respondent no.2 shall

abide by the deposition made by it and ensure that all steps as are required under the law are taken and also that there is no fire hazard at all because of the location or installation of the transformers for any reason.

4. In addition having regard to the contentions made by the writ petitioner a direction is issued to the Chief Fire Officer of the Delhi Fire Services (respondent no.3 here) to cause an inspection conducted of the industrial complex by a competent officer and to ensure that all steps are taken as required under the law in compliance with the Delhi Fire Services Rules.

5. Towards the expenses of the inspection which is to be conducted, the petitioner shall initially deposit an amount of Rs.50,000/- for the time being, with the Chief Fire Officer of the Delhi Fire Services within a period of two weeks from today. The Chief Fire Officer shall verify that all steps towards the statutory requirements and compliances stand undertaken by the petitioner, who claim ownership over the industrial complex. In case of any further amount being required, the same shall be communicated to the petitioner who shall pay the same within a period of two weeks from the receipt of the demand.

6. A copy of this order be communicated to the Chief Fire Officer by respondent no.3, who has been impleaded as one of the respondents.

In case, any other relief or remedy is required to be pursued with regard to the complex, it shall be open for the petitioner to approach the civil court for the same.

It is made clear that nothing herein contained is an expression of opinion of the respective contentions so far as ownership of the complex is concerned.

The deposit(s) if any made by the petitioner towards the inspection shall be subject to final orders in the petition.

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This writ petition is disposed of in the above terms.

Dasti to the parties.

OCTOBER 07, 2009
rds

Gita Mittal
GITA MITTAL, J

*Fresh CM 15318/09 (for modification
of order dt. 7-10-09)*

IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARVINDER KAUR SETHI Petitioner
Through Mr. Jaswinder S. Nischal, Adv.

versus

STATE & ORS Respondent
Through Mr. S.P. Sharma, Adv. for R-1 & 3

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL

ORDER
07.12.2009

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CM No.15318/2009

1. By this application, the petitioner submits that the prayer made for a direction for deposit of the inspection amount to be paid by the NDPL is not pressed.

It is pointed out that not only the petitioner but the respondent no. 2 would be required to abide by the result of the inspection which is undertaken by the respondent no. 3. There can possibly be no objection to the same. All persons and authorities in the NCT of Delhi are required to abide by the requirements of the Delhi Fire Service Act and Rules framed therein.

Accordingly, it is directed that not only the petitioner but the respondent no. 2 shall abide by the directions and recommendations made by the

respondent no. 3 upon inspection of the industrial complex in terms of the order dated 7th October, 2009.

2. It is stated on behalf of the petitioner that the amount of the inspection fees as already directed shall be deposited within one week from today.

It is made clear that the order passed on 7th October, 2009 or today, does not foreclose the right of the petitioner or the respondent no. 2 to point out steps which have been taken to ensure compliance with the Fire Safety Rules & Regulations.

This application is disposed of in the above terms.

Dasti to parties.

DECEMBER 07, 2009

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GITA MITTAL, J