



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 642 OF 2025 (GM-KEB)

BETWEEN:

1. THE CHIEF ENGINEER (ELE)
THE TRANSMISSION ZONE
400 KV STATION AND LINE
CONSTRUCTION DIVISION
(NELAMANGALA HUDI)
KPTCL (BESCOM), ANANDA RAO CIRCLE
BANGALORE - 560 009
2. THE EXECUTIVE ENGINEER (ELE)
THE TRANSMISSION ZONE
400 KV STATION AND LINE
CONSTRUCTION DIVISION
(NELAMANGALA TO HUDI)
KPTCL, ANADA RAO CIRCLE
BANGALORE NORTH MAJOR DIVISION
2ND FLOOR
BANGALORE - 560 009
3. THE ASSISTANT EXECUTIVE ENGINEER
THE TRANSMISSION ZONE
400 KV STATION AND LINE
CONSTRUCTION DIVISION
(NELAMANGALA TO HUDI)
KPTCL, ANADA RAO CIRCLE
BANGALORE - 560 009

...APPELLANTS

(BY SRI H.V. DEVARAJU, ADVOCATE)

Digitally
signed by
SRIDEVI S
Location:
High Court
of Karnataka



AND:

1. SRI L.S. SHIVARAMAIAH
S/O LATE SHIVANNA
AGED ABOUT 62 YEARS
R/AT BOMMEGOWDANAPALYA
SOREKUNTE POST, BELLAVIHOBOLI
TUMAKUR TALUK
REPRESENTED BY HIS S.P.A HOLDER
SRI D. BASAVARAJU
S/O DODDANNA
AGED ABOUT 55 YEARS
R/AT BOMMEGOWDANAPALYA
SOREKUNTE POST
BELLAVI HUBLI
TUMAKURU TALUK - 572 107

...RESPONDENT

(BY SRI KISHAN G.S., ADVOCATE)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER, DATED 06.06.2024 PASSED IN W.P. No.10651/2017 BY THE LEARNED SINGLE JUDGE AND CONSEQUENTLY ALLOW THE WRIT PETITION BY QUASHING THE JUDGMENT AND AWARD, DATED 30.01.2016 PASSED IN MISCL.No.114/2006 ON THE 1ST ADDITIONAL DISTRICT AND SESSION JUDGE, AT TUMAKURU AND DISMISS THE CLAIM PETITION IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellants, officials of Karnataka Power Transmission Corporation Limited (hereafter, '**KPTCL**'), have filed the present appeal impugning an order dated 06.06.2024 passed by the learned Single Judge of this Court in W.P.No.10651/2017 (GM-KEB).

2. The appellants had preferred the said petition assailing an order dated 30.01.2016 passed by the learned I Additional District and Sessions Judge, Tumakuru [**District Court**], in Miscellaneous Petition No.114/2006. The said petition was filed by the respondent claiming compensation of an amount of ₹8,20,000/- for the damages suffered on account of the removal of 80 mango trees. KPTCL had removed the said trees to lay electricity lines on the respondent's land.



3. The respondent's claim was based on the assertion that each mango tree would yield ₹500. This was contested by the KPTCL. During the proceedings before the learned District Court, KPTCL also raised the issue of limitation. It claimed that the electric lines were drawn in the year 1996. However, the respondent had filed the petition under Section 19 of the Indian Electricity Act, 1910 [**Electricity Act**], read with Sections 10 and 16 of the Indian Telegraph Act, 1885 [**Telegraph Act**] in the year 2006. However, no such grounds were raised in the written statement/statement of objections filed by the KPTCL. The said contention was advanced orally at the hearing.

4. The respondent contested KPTCL's contention that his claim was barred under the Limitation Act, 1963. The respondent claimed that he had never received a notice intimating the compensation fixed for the loss caused, and he continued to await the same. However, in the year 2006, compensation was disbursed to the owners of the neighbouring lands, and therefore, he issued a legal notice to the KPTCL demanding the compensation due. Although, the KPTCL received the notice, it did not respond to the same.



Therefore, the respondent had filed the petition before the learned District Court.

5. The parties led their evidence, and the learned District Court found that the KPTCL was unable to refute the respondent's claim that he had not received any notice of compensation. Although the KPTCL claimed to have paid compensation to the respondent, there is no evidence to establish the same. We may note that the KPTCL has not produced any evidence to show that the compensation has been paid either before the learned Single Judge or in the present appeal.

6. It is not disputed that 400 KV overhead electric transmission lines had been pulled over the land of the respondent, and he was entitled to compensation.

7. In view of the above, the learned District Court rejected the contention that the respondent's petition was barred by limitation.

8. KPTCL filed a writ petition, being W.P.No.10651/2017, challenging the said decision. However, the learned Single Judge found that there was no evidence that the KPTCL had issued a



notice of compensation or paid compensation to the respondent and therefore, his claim for compensation was not barred by limitation.

9. The learned Single Judge also noted that in terms of Section 10(d) of the Telegraph Act, the KPTCL was obliged to pay compensation for the damage suffered.

10. The learned counsel for the appellants, KPTCL, submits that the petition filed by the respondent was barred by limitation on the same grounds as were canvassed before the learned District Judge as well as before the learned Single Judge. However, KPTCL has not produced any document to evidence that the notice of compensation was received by the respondent, nor has it produced any document in support of its claim that the compensation was paid.

11. It is also not disputed that compensation was paid to the owner of the neighbouring land in the year 2006. The respondent's claim that he filed the petition for compensation after becoming aware that KPTCL was disbursing compensation, must be accepted.



12. We are thus unable to accept that the respondent's petition was barred by limitation. The learned counsel for KPTCL has not advanced any submission to challenge the compensation awarded. He had focused the challenge solely on the ground of limitation. In the circumstances, the present appeal is liable to be rejected.

13. We may also note that the present appeal is filed after an inordinate delay of 273 days. The application seeking condonation of the delay does not set out any credible explanation for the said delay. It merely states that the writ petition was disposed of on 06.06.2024 and the advocate had applied for a certified copy of the same and forwarded to the corporate office on 25.11.2024. Approval to file the writ appeal was received on 05.12.2024. Thereafter, the advocate sought certain information with regard to the compensation paid to the respondent at the time of drawing the electricity line over his land. After securing the said record and the information that a sum of ₹2,02,009/- had been paid, the present appeal was prepared.

14. The application is bereft of the relevant details regarding specific dates: when was the application for a certified copy of the



order made, and when was it ready; when did the advocate seek further information, and when was it supplied. The explanation provided does not appear to be credible, considering that the KPTCL has not yet provided any material in support of its contention that the compensation was paid to the respondent at the time of drawing the line, as contended.

15. In view of the above, there are no grounds to allow the application for condonation of delay. The present appeal is dismissed both on the ground of delay and on the merits.

16. Pending application stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KPS
List No.: 1 Sl No.: 27