

CR-2582-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-2582-2015 (O&M).
Decided on: April 20, 2015.**

Surjit Singh

..... Petitioner(s)

Versus

Punjab State Power Corporation Limited and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Ramesh Sharma, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

This is plaintiff's revision petition against the order dated 21.1.2015 passed by the Court of Additional District Judge, Kapurthala dismissing his application under Order 39 Rules 1 & 2 CPC, whereas the said application has been allowed by the Civil Judge (Sr., Divn.), Sultanpur Lodhi.

The plaintiff-petitioner has filed a suit for permanent injunction to restrain the defendants-respondents Punjab State Power Corporation Limited, Sub Division, Begowal, District Kapurthala, through its officers restraining them from installing or affixing transformer of 100 K.W. at point "E" shown in the plaint claiming that it is very closely adjacent to the gallery in front of the shutter of his shop. The petitioner-plaintiff claims that if the transformer is installed abutting to his shop, it would cause damage

CR-2582-2015 (O&M)

to the shop including the entire building as the plaintiff has constructed his residential house on the first floor of the shop.

The trial Court had restrained the defendants-respondents from installing the transformer. The Punjab State Power Corporation Limited, aggrieved by the said order, preferred appeal claiming that installation of the transformer at the point in dispute would not cause any damage and obstruction to the house or the shop of the plaintiff as two other transformers at point G and H of 220 K.W., respectively have already been installed on the corner of the road in front of the shop of the plaintiff. The Appellate Court taking into consideration the interest of the public at large to ensure the uninterrupted supply to the consumers of Punjab State Power Corporation Limited, set aside the order passed by the trial Court. The Appellate Court observed that an inspection had been made by the Executive Engineer of the Punjab State Power Corporation Limited, on 23.5.2013 and had installed transformers of 200 K.W., and proposed to install new transformer of 100 K.W. at point E in the corner adjacent to the shop of the petitioner-plaintiff.

Counsel for the petitioner-plaintiff has placed on record the photographs indicating the electric poles affixed on the corner of his shop where the proposed transformer is to be installed. The case of the defendants-respondents is that 100 K.W. transformer has to be installed on the poles which have already been affixed and that the petitioner-plaintiff will not suffer any inconvenience.

CR-2582-2015 (O&M)

Counsel for the petitioner-plaintiff has vehemently urged that the relevant rules for installation of the transformer and poles have not been complied with and that the transformer is being installed without following any instructions.

I have heard the learned counsel for the petitioner and gone through the photographs appended with the revision. Taking into consideration the individual interests of the petitioner vis-a-vis public interest, the defendants-respondents cannot be restrained from installing a transformer which is in the interest of public at large including the plaintiff with an objective to ensure uninterrupted power supply. In case the plaintiff-petitioner is able to establish that without following any instructions and without payment of any compensation for the damage caused to him, the transformer is being installed, it will always be open to the plaintiff-petitioner to seek enforcement of the instructions relevant on the question of installation of transformer and poles. Since no statutory violation could be pointed out, I do not find any ground to interfere in the order passed by the Appellate Court.

This petition is dismissed. However, it is observed that in case the plaintiff-petitioner is able to establish violation of any statutory instructions, it will always be open to the trial Court to grant any relief in accordance with provisions of law.

It is also expected that the defendants-respondents authorities will keep into consideration the relevant rules before

CR-2582-2015 (O&M)

installation of the transformer near the corner of the shop of the plaintiff-petitioner.

Nothing mentioned in this order will affect the adjudication of the suit on merits.

April 20, 2015.
rka

(M.M.S. BEDI)
JUDGE