

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

**RSA No. 4543 of 2015 (O&M)
Date of decision: 16.10.2015**

DHBVNL and others
... Appellants
versus
Yadav Cable Club
.... Respondent

2. RSA No. 4545 of 2015 (O&M)

DHBVNL and others
... Appellants
versus
Star Vision Network
.... Respondent

3. RSA No. 4546 of 2015 (O&M)

DHBVNL and others
... Appellants
versus
Sheetla Cable Network
.... Respondent

4. RSA No. 4599 of 2015 (O&M)

DHBVNL and others
... Appellants
versus
M/s Kataria Cables
.... Respondent

5. RSA No. 4544 of 2015 (O&M)

DHBVNL and others
... Appellants
versus
Hans Cable Network
.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.K. Longia, Advocate for the appellants.

K.Kannan, J.

The Appellate Court that dismissed the plaintiff's suit filed
for an injunction restraining the Electricity Corporation from causing

disturbance to the cable operators from using the electric poles and wires granted further 18 month's time for removing the installations. The Appellate Court has correctly considered the fact that the defendants were not entitled to make any complaint in respect of the electric poles that did not belong to the plaintiff but belonged to the Corporation and correctly dismissed the plaintiff's suit. If it has allowed for 18 months for removal of installations, I would take that to be a discretionary exercise by the Appellate Court for making alternative arrangements that will not still come in the way of public interest of a large volume of consumers through television equipments. I do not think the 2nd appeal shall consider the scope of this discretion, for, 2nd appeals are restricted only to issues of points of law that are substantial and which are being wrongly entered by the Court below. If the Court has taken a correct decision about the impermissibility of the plaintiffs to use the electric poles, then the matter must rest there and this Court will not interfere only for lessening the period for removal of installations.

The 2nd appeal is dismissed with above observations.

(K.KANNAN)
JUDGE

16.10.2015
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