

CWP No.576 of 2014

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

**CWP No.576 of 2014
Date of decision:17.08.2016**

Madan Lal

...Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.S.Kumar, Advocate,
for the petitioner.

Mr. Y.P.Khullar, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

This petition is filed for a direction to the respondents to shift the 200 KV transformer, installed in the house of the petitioner, to the place already earmarked for it.

There is no dispute that the transformer is installed in the house of the petitioner, which is apparent from the photographs attached by the petitioner as Annexure P-1. It is alleged by the petitioner that he and his family is facing lot of problems because of the location of the transformer as during rains, the electric current flows in the taps, pumps and iron gate etc.; children also used to play near the transformer and the constant fear of their life and injury looms large; employees of the Electricity Department enter the house of the petitioner at any time at odd hours in the name of repairing

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the fault etc. and there is no privacy of the ladies due to long hours of the repair work; and the electric appliances are badly effected because of the frequent fluctuation and sparking in the transformer.

After notice, the respondents have filed the reply in which it is averred that the transformer was already there which has been taken into his premises by the petitioner at the time of raising construction. It is also submitted that in case the petitioner wants the transformer to be shifted, then he is liable to pay the shifting charges in terms of the policies of the Electricity Department.

Learned counsel for the petitioner, however, relied upon two judgments of the Patna High Court in the cases of **Premier Synthetics vs. State of Bihar and others**, 1996(2) PLJR 905 and **Smt. Durgesh Nandani vs. State of Bihar and others**, 2000(1) PLJR 892 to contend that the petitioner is not liable to pay the cost for shifting the transformer.

I have heard learned counsel for the parties and examined the available record.

There is no evidence on record led by the respondents that the petitioner has illegally included the land, over which the transformer is installed, within his premises. The only thing which is apparent is that the location of the transformer within the premises of the petitioner may cause a serious accident some day in which either a precious life will be lost or somebody might suffer serious injuries.

There was a case before this Court in which a child of about 8 years touched the electricity wire crossing over the roof of his house and

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suffered extensive injuries resulting into amputation of both of his hands and a leg. In that case, this Court had awarded ₹60 lacs as compensation to that child and the said order has been upheld by the Apex Court and still a lot of money is being spent, under orders of this Court, for providing prosthetic limbs to the said child.

In order to avoid the said thing to happen in this case, which is very likely to happen in the given circumstances, I deem it appropriate to issue a direction to the respondents to shift the transformer to some other place, at least from the premises of the petitioner, so that the family of the petitioner, which includes small children, may not suffer any injury or loss of life.

In view thereof, the present writ petition is hereby allowed and the respondents are directed to shift the transformer from the premises of the petitioner within a period of 3 months from the date of receipt of certified copy of this order and the petitioner shall not be liable to pay any charges for shifting the transformer.

August 17, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No