

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

LPA 2481 of 2016 (O&M)

Date of Decision : December 23, 2016

Punjab State Power Corporation Limited and othersAppellants

VERSUS

Madan Lal

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE H.S.MADAAN**

Present : Mr. Vinod S. Bhardwaj, Advocate
for the appellants.

T.P.S. MANN, J. (Oral)

The Punjab State Power Corporation Limited through its Chairman and its officers have filed the present appeal under Clause X of the Letters Patent for challenging the judgment dated 17.8.2016 passed by learned Single Judge, whereby, the writ petition preferred by the respondent for issuance of directions to the appellants to shift 200 K.V. transformer situated in his house to the place already earmarked for it, stood allowed and the appellants directed to shift the transformer from the premises of the respondent within a period of three months and further that the respondent would not be liable to pay any charges for the said purpose.

Having heard learned counsel for the appellants, this

Court finds that the transformer in question is installed in the house of the respondent and as is apparent from the photographs attached with the writ petition, the respondent and his family appear to be facing lot of problems especially during rains and even employees of the Electricity Department do enter the house of the respondent at odd hours for the purpose of repairing the fault.

According to the appellants, the transformer in question stood installed at that very place since long but it was the respondent, who had encroached the said area by raising construction. Therefore, in case the respondent wanted the transformer to be shifted, he is liable to pay the necessary charges.

However, there is no material on record, which could suggest that the respondent had illegally included the land within premises, over which, the transformer was installed. If the transformer in question is allowed to stay at the same very place, it may cause serious accident resulting into loss of precious life or serious injuries being caused. Under these circumstances, the respondent cannot be made to deposit the shifting charges as it is otherwise the duty of the Electricity Department that the wires supplying electric current to the household of the villagers or the transformer installed for lowering the voltage so that the

electricity to be supplied comes within the working range, i.e. 220 to 240 volts and if that be so, then the Electricity Department is under a duty to shift the transformer to another suitable place without insisting upon the respondent to pay the requisite charges.

The appeal is without any merit and, therefore, dismissed.

**(T.P.S. MANN)
JUDGE**

December 23, 2016
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**(H.S.MADAAN)
JUDGE**

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No