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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 16 of 2017**

1. Rakesh Soni S/o Shri Banshroop Soni Aged About 33 Years R/o Village Satkyari, Post Madisarai, Tahsil- Bharatpur, District Koriya, Chhattisgarh
2. Chhotelal S/o Shri Ghoghai Aged About 42 Years R/o Village Rend, Police Station Janakpur, Post Bhagwanpur, Tahsil Bharatpur, District- Koriya, Chhattisgarh
3. Amarbahadur Singh S/o Shri Ram Prasad Singh Aged About 34 Years R/o Village Chyul, Post Ghaghra, Police Station Janakpur, Tahsil Bharatpur, District Koriya, Chhattisgarh
4. Sukhsen Sahu S/o Shri Samaylal Sahu Aged About 33 Years R/o Village Nadiya, Post Singrauli, Police Station Janakpur, Tahsil Bharatpur, District Koriya, Chhattisgarh
5. Man Singh, S/o Shri Sumer Singh Aged About 33 Years R/o Charkhat, Post Singrauli, Police Station Janakpur, Tahsil Bharatpur, District Koriya, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh
2. The Secretary, Department Of Energy, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
3. Chhattisgarh State Power Holding Company Limited, Through Its Chairman, Energy Infotech Centre, Danganiya, Raipur, District- Raipur, Chhattisgarh
4. Chhattisgarh State Power Distribution Company Limited, Through The Chairman, 1st Floor, Old Administration Building, Danganiya, Raipur, District- Raipur, Chhattisgarh
5. Executive Director, (O&M), 1st Floor, Old Administration Building, Danganiya, Raipur, District Raipur, Chhattisgarh
6. Executive Engineer, O&M Division, CSPDCL, Manendragarh, District Koriya, Chhattisgarh
7. Assistant Engineer, O&M Division, CSPDCL, Manendragarh, District Koriya, Chhattisgarh
8. Junior Engineer (D), CSPDCL, Janakpur, District Koriya, Chhattisgarh
9. M/s P.S.R. Elecon Private Limited, 8-3-24, Plot No. 24, Mch-249, 2nd Floor, Shrinivasa Colony (W), S.R. Nagar, Hyderabad

---- Respondents

For Petitioner	: Shri Amrito Das, Advocate.
For Respondent/State	: Shri J.K.Gilda, Advocate General with Shri Y.S.Thakur, Additional Advocate General.
For Respondent No. 3 to 8	: Shri Kanak Tiwari, Senior Advocate with Shri Jitendra Pali, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, J

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

29/06/2017

1. We have heard the learned counsel for the Petitioner, the learned Advocate General and the learned senior counsel for the Respondent No. 3 to 8 in this writ petition, which is one instituted in the nature of a public interest litigation projecting the deficiencies in the supply of electrical energy to villages situated in Tahsil Bharatpur in District Korla.
2. On 29.03.2017, an order was minuted by this Court after hearing learned counsel for all the parties. The relevant portion of that order reads as follows:

".....This Writ Petition has been filed as Public Interest Litigation mainly projecting that there is non-supply of electricity to the villages situated in the Tahsil Bharatpur, District Korla of Chhattisgarh State. Through the order issued on 31.01.2017, this Court observed that Chhattisgarh is a power surplus state which has unlimited power supply available for utilization even for industries. Apparently, through that order, the scope of this Public Interest Litigation, which would have otherwise been one confined to the villages of Tahsil Bharatpur has been widened in relation to the entire State of Chhattisgarh.

The learned Senior Counsel appearing on behalf of Respondents No. 3 to 8 submits that it is fourth Respondent which is the implementing agency of the project and impleading of others who are among his clients as respondents is superfluous. Obviously, their existence in the array of parties would not by itself is detrimental to their interest.

It is further submitted on behalf of the fourth Respondent that so far as the villages of Tahsil Bharatpur is concerned, Respondent No.9, the contractor who was entrusted with the work has apparently abandoned the work. This is a matter which the Fourth Respondent has to take care and make such

arrangements as are required in accordance with law to achieve the object which is professed by the Establishment through the project.

The learned Additional Advocate General points out that it may not be appropriate to deal the situation prevailing in the entire State of Chhattisgarh in one go because there are certain areas which face challenges of insurgencies and resultant internal security issues depriving developmental activities. In this view of the matter, the State of Chhattisgarh may be divided into areas which are not affected by insurgencies and resultant internal security issues and those areas which have problems of internal security resulting out of insurgency and allied issues. Those two groups of villages, Tahsils etc. have to be differently considered from the managerial view of the State Executive.

Going by the submissions on behalf of fourth Respondent, it is clear that no issue relatable to insurgency and resultant internal security is hurdle to complete the actions for supply of electricity to the villages situated in Tahsil Bharatpur.

In view of the aforesaid State of affairs and having regard to various aspects of the matter, the fourth Respondent, which is the operating agency for the entire State of Chhattisgarh is directed to place on record, the time frame in relation to the following matters:-

1. Shortest time frame within which supply of electricity would be effectuated and supply lines energized in relation to the villages situated in Tahsil Bharatpur District Korea, Chhattisgarh.
2. Shortest time frame within which supply of electricity would be effectuated and supply lines energized in relation to all the villages situated in all the other different Tahsils of the State of Chhattisgarh, which do not have problems relatable to insurgency and resultant internal security issues.
3. Clear and identify specific areas which cannot be accessed for appropriate measures on account of internal security issues relatable to challenges by way of insurgency.

On receipt of the aforesaid data the learned Additional Advocate General will ensure an officer not below the Secretary to the Government of Chhattisgarh in the Department of Energy would file an affidavit stating views of the Government in relation to classification of areas of Chhattisgarh by the fourth Respondent in its pleading as may be done following this order.

The State Government Secretary shall, in consultation with the authorities at the highest level in the Government including the Chief Secretary and Home Department, state as to how supply of electrical energy can be achieved to the satisfaction of the end users who are residing in areas which are said to be affected by internal security issues arising out of insurgency and related matters.

On the basis of submissions of the learned Senior Counsel on behalf of the fourth Respondent we clarify that pendency of this Writ Petition should not hamper the Fourth Respondent

and the State Government from taking up requisite action with Government of India for release of necessary funds for the project, any such amount still remaining unpaid but due from the Central Government or from carrying forward the work of the project for which the Fourth Respondent is the implementing agency.

Let pleading in the light of the aforesaid be placed on record within 4 weeks."

3. Thereafter, an affidavit has been filed by the Secretary, Department of Energy, Government of Chhattisgarh. That affidavit sworn on 10.05.2017 essentially contains elaborate statements as to the different aspects touching the relevant issues pointed out through the aforequoted order. It has three annexures. Annexure A-R/1, A-R/2 and A-R/3. We have read that affidavit and have perused the annexures. The 4th Respondent has filed an affidavit to take additional document on record. The 4th Respondent has also filed pleadings and also IA No. 3 of 2017 to take Annexure A/1 on record, which according to the 4th Respondent shows the district-wise quarterly milestones for the village electrification through grid connectivity. We record Annexure A/1 produced alongwith IA No. 3 of 2017.
4. With the aforesaid, we are satisfied that if further action is taken by the Government and the 4th Respondent from time to time in consonance with what has been stated in the affidavit sworn to by the Secretary, Department of Energy, Government of Chhattisgarh, the grievance voiced by the Petitioner and the issues delineated by this Court through the aforequoted order, would be substantially satisfied.
5. Therefore, leaving open the rights of the Petitioner to move the appropriate authorities or to seek relief from this Court, if and when it is found necessary to do so, at a future point of time, we record the affidavit sworn to by the Secretary, Department of Energy, Government of Chhattisgarh, on 10.05.2017 and the three annexures filed therewith as also Annexure A/1 produced by the 4th Respondent. The said affidavit and

the three annexures produced on behalf of the Government and the annexure produced by the 4th Respondent will stand appended to this judgment.

6. The writ petition is ordered directing that needful further action shall be taken without fail by the State Government and the 4th Respondent and also their concerned officials so that supply of electrical energy in rural sector is updated and provided in terms of the contents of the affidavit sworn to on behalf of the Government. We also clarify that the disposal of this writ petition will keep alive for consideration of any complaint made in the writ petition regarding the alleged abuse of funds or improper management of the electrical distribution system contracts.
7. The writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE