

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5841 OF 2017
IN
WRIT PETITION NO.4453 OF 2014

Power Grid Corporation of India Limited

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. Sumit S Joshi advocate for the applicant
Mrs. M.A. Deshpande, AGP for Respondent State
Mr. P. M. Shah Sr. advocate h/f Mr. S.V.Adwant
advocate for respondent No.2

CORAM : R.M. BORDE &
K.L. WADANE, JJ

(Date : 4th MAY, 2017)

PER COURT :-

1 The instant application is presented on behalf of the applicant Power Grid Corporation, seeking directions to take certain measures to protect the structure i.e. tower-Location Nos. AP-28 to AP-30 passing through the land of the respondent and to operate the transmission of the power.

2 So far as relief claimed in respect of operation of the transmission of power line is concerned, learned Senior Counsel appearing for the respondent No.2 states that he will not press

the said relief claimed in the application. However, in order to protect the structure, it is contended that the stringing of the transmission wires from tower location No.AP-28 to AP-30 is essential, although the proposed measure is objected by the respondent, writ petitioner.

3 Since the issue involves technical specifications, we do not propose to go into the questions at this stage. However, since the applicant has expressed willingness to abide by the conditions those would be put by this Court while allowing the application, we deem it proper to consider the request made by the applicants in the instant application.

4 It would be open for the applicant to effect the work of stringing of transmission wires from tower location No.AP-28 to AP-30 subject to final outcome of the instant petition. The applicant undertakes not to claim any equity on the basis of permission accorded to the applicant. The applicant also undertakes to abide by the directions those would be issued while disposing of the writ petition and if such directions require restoration of the original position, the compliance thereof would be at the costs and consequence of the applicant.

5 All the contentions raised by the parties in the petition are specifically kept open. The transmission line shall not be made operational. The applicant shall tender written undertaking to this Court within a period of 15 days from today.

6 In view of above, the Civil Application is disposed of.

7 Place both the writ petitions for consideration in the third week of June, 2017.

(K.L. WADANE, J)

(R.M. BORDE, J)

vbd