

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

CR No.2536 of 2016

Date of decision : 13.10.2017

Punjab State Power Corporation Ltd. and another

...Petitioners

Versus

Seema

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K. Virdi, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Punjab State Power Corporation Limited is in revision petition against the order passed by the trial Court in the application filed under Order 39 Rules 1 and 2 read with Section 151 CPC which has been affirmed in appeal by the learned Additional District Judge.

The plaintiff had filed a suit for permanent injunction restraining the defendants-petitioners from installing a transformer and poles outside the gate of cold storage being run by the plaintiff.

The defendants-petitioners contested the suit and submitted that the transformer of 100 KVA has already been installed and since the public at large requires the aforesaid transformer for augmenting the electricity supply in the area, therefore the application is liable to be dismissed.

Learned trial Court had granted injunction on the ground that the installation of the proposed transformer would hinder the working of

cold storage.

An appeal filed by the Corporation was also dismissed.

I have heard learned counsel for the petitioners-Corporation. In this case, notice was issued to the respondent.

As per the office report, sole respondent-plaintiff was served for 24.05.2016 and thereafter for 10.10.2017. However, no one has come present.

The petitioners-Corporation is a public sector undertaking. It is trying to increase the supply of electricity which is for common use of the residents. It is further the case of the Corporation that the transformer has already been installed in the street after installing the poles. The petitioner-Corporation has also annexed the photographs which show that the transformer has been installed on two poles and such transformer is not on the gate of the cold storage. The transformer is situated after proximately 15 to 20 feet away from the gate. A public sector undertaking which is trying to augment the supply of the electricity for the welfare of the residents of the area cannot be restrained from installing the transformer unless it is proved on the file that the action of the respondent is in violation of any statutory provision. The transformer admittedly has not been installed in the land owned by the plaintiff. The plaintiff is running cold storage having requirement of electricity. Still further at the public expenses, the transformer has already been installed. However, the aforesaid transformer could not be energized because of the order passed by the Court. The Courts should be careful in awarding such an injunction against the public sector undertakings keeping in view the public interest involved in such cases.

Taking into consideration the facts available on the file, the orders passed by the Courts below are found to be suffering from material irregularity.

For the aforesaid reasons, the orders under challenge are set aside. Application for injunction filed by the plaintiff is dismissed.

In view of the above, the revision petition is allowed.

13.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No