

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.O. NO.1238/2018

IN

PUBLIC INTEREST LITIGATION NO.95/2016

Shri Padamkumar S/o late Shri Shantilal Jain

..Vs..

Union of India and others

Applicant : Maharashtra Rajya Magasvargiya Vidyut Karmachari Sanghatana,
 Sitabuldi, Nagpur

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri S.P. Bhandarkar, Advocate for petitioner.
 Shri U.M. Aurangabadkar, A.S.G.I. for respondent Nos.1 and 14.
 Shri S.A. Ashirgade, A.G.P. for respondent No.2.
 Shri R. Darda, Advocate for respondent Nos.4 and 7.
 Shri D.V. Chauhan, Advocate for respondent No.19.

CORAM : **B.P. DHARMADHIKARI AND Z.A.HAQ, JJ.**

DATED : 8.8.2018.

1. Application is by an Association of employees who directly come in contact with transformers and extend related services. It is **allowed**. The Association is allowed to be added as party respondent No.20.

2. This Court on 11th April, 2018 passed an order. The effort of petitioner is to have transformers with preventive mechanism installed so that the fire to transformers are avoided.

3. In public interest litigation on 11th April, 2018 counsel for petitioner had submitted that in Civil Application No.33/2018 an innocuous direction is being sought. The prayer clause in civil application shows that

it seeks public interest litigation itself to be allowed finally in terms of prayer clause therein.

4. On 11th July, 2018 we have passed an order correcting the number of respondent and matter came to be adjourned.

5. During hearing today we are supposed to look into Application No.33/2018 and Application No.1239/2018.

6. Advocate S.V. Purohit appearing for respondent No.13 submits that copy of both these applications are not served upon him.

7. Counsel representing respondent Nos.11 and 12 are absent.

8. Advocate Chauhan appearing for respondent No.19 has submitted that every transformer comes with a comprehensive mechanism which deals with preventive measures as also the measures to avoid damage in case the fire occurs. He submits that public interest litigation needs to be heard finally.

9. As the only issue is about availability of preventive mechanism in a transformer, we have called upon learned A.S.G.I. to point out the correct position.

10. Learned A.S.G.I. appearing for respondent No.14 - Central Electricity Authority as also Union of India (Ministry of Power) has relied upon an affidavit in which statement made is about a pressure release device.

11. During hearing, we felt that respondents most probably are interested only in seeing that matter is adjourned. We have not deliberately recorded the details

for this impression.

12. However, we find that suppliers or manufacturers of transformers and respondent Nos.1 and 14 have to specifically place on record the preventive mechanism i.e. one which will start operating the moment threat of fire is detected.

13. We in public interest litigation do not find that importance or need of such an appliance calls for a detailed consideration.

14. We, therefore, grant parties time of one week as last chance.

15. If any of the respondents remain unrepresented in Court on that day, we shall proceed *ex parte* against them.

16. We direct respondent Nos.11 and 12 to explain why suitable action should not be taken against their Chairman and Managing Director for refusing to assist the Court in this public interest litigation.

17. List the matter on **16th August, 2018**.

JUDGE

JUDGE