

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

RSA No. 1003 of 2017(O&M)

Date of decision: 26.10.2018

Harpreet KaurAppellant

VERSUS

Punjab State Power Corporation Ltd. and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.K. Arya, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for permanent injunction restraining defendants No.1 and 2 from laying overhead line and affixing electric pole in the land owned and possessed by the plaintiff was dismissed by the trial Court vide judgment and decree dated 19.04.2016 that came to be affirmed in appeal by District Judge, Gurdaspur on 01.09.2016.

Counsel for the appellant sought to rely upon certain guidelines purported to be issued by the Punjab State Power Corporation Ltd. (in short 'Corporation'), reproduced in para 5 of the grounds of appeal. On July 25, 2018, a relevant extract from order passed by this Court reads as follows:-

“The present lis pertains to grievance expressed by the appellant against laying HT line as the same is stated to be passing through the fields of appellant/plaintiff.

Counsel for the appellant would state that he has reproduced the guidelines issued by the respondent-authorities in para 5 of the grounds of appeal but failed to point out the date on which this regulation came into force. He would also examine if any plea has been raised by the appellant that an opportunity was required to be provided to her before taking a decision in the matter by the Power Corporation.

Adjourned to 27.08.2018.”

Counsel for the appellant has not informed the date of guidelines sought to be relied upon in order to say that those guidelines can be applied to the facts of case at hand. He has also not pointed out any materials on record that the appellant/plaintiff raised a plea that an opportunity was required to be provided to her before taking a decision in the matter by the Corporation for laying overhead line and affixing electric pole for supply of electricity to a private consumer i.e. respondent No.3. In the given circumstances, appellant cannot derive any advantage to her contention from the guidelines referred to in para 5 of the grounds of appeal. Counsel for the appellant has not made any further submission in order to point out that concurrent findings recorded by the Courts suffer from perversity or the appeal raises a question of law that needs determination by this Court.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed in limine.

OCTOBER 26, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no